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**Pennsylvania Sexual Offenders Assessment Board**

**SEX OFFENDER  
CONTAINMENT MODEL**

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**CHAPTER 1 — INTRODUCTION**

## Impetus to This Model

In the spring of 2004, Governor Edward G. Rendell called for a multidisciplinary committee, chaired by the Sexual Offenders Assessment Board (SOAB), to collaboratively study sex offender management in Pennsylvania. The group was tasked with developing an effective, comprehensive management plan for sex offenders consistent with the Commonwealth's interest in the protection of the community and with an emphasis on public safety.

The need for a comprehensive plan has grown out of traditional approaches. Historically, criminal and juvenile justice systems and community agencies have worked independently to manage sex offenders and protect victims. Not surprisingly, these fragmented efforts have been largely inadequate. In recent years, professionals have recognized the value of developing a more coordinated and integrated response to sex offender management—a response that extends beyond traditional practices. The comprehensive approach begins with the point of victim disclosure and the subsequent investigation, prosecution, and sentencing/disposition phase. Further, it includes ongoing assessment, treatment, reentry, community supervision, registration, and notification processes.

The U.S. Department of Justice (DOJ), recognizing the complexities involved with the states' sex offender populations, has encouraged states to create a comprehensive sex offender containment plan. Pennsylvania, via the SOAB, applied for and received a grant from DOJ with the assistance of the Center for Sex Offender Management (CSOM) for this very purpose. This comprehensive containment plan is driven by key philosophies: prioritization of victim safety and sensitivity; utilization of specialized knowledge; education and involvement of the public; assurance of integrity through monitoring and evaluation; and multidisciplinary collaboration. Without these philosophies, ensuring victim and community safety cannot be realized.

The grant required a multi-disciplinary, multi-agency team to develop a statewide comprehensive containment plan for sex offenders. As part of the grant, the SOMT (Sex Offender Management Team) employed an independent research analyst (Barbara Sims, Ph.D., Associate Professor of Criminal Justice, Penn State University) to collect data, conduct data analysis, and complete a "gap analysis" to assist with the development of this comprehensive plan.

The Center for Sex Offender Management's Comprehensive Assessment Protocol (CAP) of Sex Offender Management Practices was used by the SOMT to evaluate current sex offender management practices in the Commonwealth against national best practice standards in five fundamental areas:

- Investigation, prosecution, and adjudication
- Supervision and reentry
- Assessment and treatment
- Registration and notification
- Juvenile.

Dr. Sims and Graduate Assistant Ginger Hogue conducted SOMT statewide surveys of numerous relevant agents and agencies to document and support the findings of the SOMT. These included:

- Chief juvenile probation officers
- County prison wardens
- Local law enforcement agencies
- Chief adult probation officers
- County district attorneys
- Community and Department of Corrections treatment providers.

The comprehensive approach to sex offender management includes five fundamental principles:

- Agencies and individuals must collaborate to effectively manage sex offenders, thereby reducing victimization and maintaining public safety.
- We must maintain a victim-centered approach in everything we do.
- Because of the complex nature of sex offending, specialized knowledge and expertise is required in virtually every aspect of sex offender management.
- We must monitor and evaluate what we do.
- We must educate the public about how they can protect themselves and prevent sex offenses.

The SOMT further identified the *Containment Model* as one approach to sex offender management that incorporates all these best practice standards. Its primary objectives are to promote and ensure public safety, victim protection, and reparation for victims. It calls for relevant agencies and entities to coordinate, collaborate, and share information. It holds sex offenders accountable through the combined use of supervision and surveillance, treatment, and community support networks. Unpublished data from several jurisdictions that use the Containment Model shows significant success in reducing sex offender recidivism, thereby promoting community safety.

This manual is a product of the SOMT's work. It is designed to enhance the level of knowledge of all key stakeholders and serve as a common guide for the management of sex offenders at all levels throughout Pennsylvania. Credit must be given to the State of Wisconsin, Wisconsin Department of Corrections, Community Corrections Division for their permission to make very liberal use of their handbook for agents, ***Supervision of Sex Offenders: A Handbook for Agents, WI Dept. of Corrections, 2002***. We fully acknowledge that we have taken large pieces of this Pennsylvania manual from the above-reference Wisconsin document, and gratefully appreciate the fine work exhibited therein. The SOMT also further acknowledges the Colorado Division of Criminal Justice's work that describes the most promising case management practices of adult sex offenders on probation and parole nationwide.

The SOMT shaped its study of sex offender management against the components of the comprehensive containment approach, which reflects:

- A philosophy that values public safety, victim protection, and reparation for victims as the paramount objectives of sex offender management;
- Implementation strategies that rely on agency coordination, multidisciplinary partnerships, and job specialization;
- A containment approach that seeks to hold sex offenders accountable through the combined use of both offenders' internal controls and external criminal justice control measures, and the use of polygraph to monitor internal controls and compliance with external controls;
- Development and implementation of informed public policies to create and support consistent practices; and
- Quality control mechanisms, including program monitoring and evaluation, that ensure prescribed policies and practices are delivered as planned. (Kim English, Suzanne Pullen, and Linda Jones, editors. *Managing Adult Sex Offenders. A Containment Approach*. American Probation and Parole Association. KY. 1996. p.2.5)

## **SOMT – Key Findings and Recommendations**

On August 24, 2004, a group of state agencies and other community partners were awarded a Comprehensive Approaches to Sex Offender Management (CASOM) grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. The CASOM provides for technical assistance from the Center for Sex Offender Management (CSOM), a national project that supports state and local jurisdictions in the effective management of sex offenders under community supervision. The grant provided the Commonwealth an opportunity to engage in a comprehensive review of current adult and juvenile sex offender management practices throughout Pennsylvania. Prior to grant application and receipt, a group of state agency representatives met to identify the barriers and challenges to implementing a consistent, comprehensive system of sex offender management policies and practices in the Commonwealth. Its work helped to form the initial inquiry into the statewide management effort.

Under the leadership of the Sexual Offenders Assessment Board (SOAB), the Pennsylvania Sex Offender Management Team (SOMT), a multidisciplinary group of state and local representatives, formed to guide the grant effort. The SOMT has engaged in an intensive review of virtually every aspect of sex offender management in the Commonwealth. The comprehensive plan advances the goal of victim and community safety. The plan's key components include: multidisciplinary collaboration, employing specialized knowledge, public involvement, and education. To insure the integrity of the plan, monitoring and evaluation of sex offenders must be a top priority.

This Containment Plan represents the initial recommendations of the SOMT's comprehensive assessment of current adult and juvenile sex offender management practices in Pennsylvania.

## Newly Enacted Federal Legislation

On July 20, 2006, Congress passed The Adam Walsh Child Protection and Safety Act of 2006, which changes current law by, among other things, no longer mandating states, or more specifically, state courts to determine which sex offenders should be designated sexually violent predators (SVPs). Instead, the federal mandate imposes on certain sex offenders many of the same requirements (e.g., lifetime registration, community notification) that currently apply to SVPs based on conviction. Pennsylvania will need to make significant amendments to its Megan's Law statute and classify sex offenders into three tiers, based on their convictions of specific sex crimes.

The Walsh Act imposes on certain sex offenders many of the same requirements (e.g., lifetime registration, community notification) that currently apply to SVPs. Some important public safety goals, including registering for life, updating more frequently registration information, and being the subject of community notification may not be realized because assessments of sex offenders can be subjective, lack uniformity, and otherwise inconsistently identify those sex offenders who ultimately do re-offend. Assessments still have significant value in the Commonwealth, as the results of such assessments may be used to inform sentencing and release decisions and to determine appropriate levels and length of supervision, including tools such as GPS, for sex offenders.

## Recommendations

### Pre-Incarceration: Investigations, Assessments and Sentencing

#### Investigations

- Pennsylvania State Police, Pennsylvania Chiefs of Police, Pennsylvania Commission on Crime and Delinquency, Pennsylvania District Attorneys' Association, and Pennsylvania Coalition Against Rape should disseminate a unified set of best practices for investigating and prosecuting sex crimes. Best practices should include, but not be limited to, ensuring that each county has access to sexual assault forensic examiners and sexual assault response teams.
- Assessments
- The SOAB should use a standardized protocol to assess convicted sex offenders and adjudicated juveniles, based on research and national best practices.
- The assessment should serve as a broad-based examination of the four primary factors required by statute:
  - Facts of the current offense;
  - Prior offense history;
  - Characteristics of the individual, including mental abnormality or personality disorders; and
  - Other factors reasonably related to the risk of re-offense.

- The assessment should include an appropriate examination of each factor listed above, using the most appropriate methods available, including, but not limited to:
  - A thorough investigation of the current offense and prior offense history, collaborating with other criminal justice agencies. (Courts should be encouraged to order preparation of concurrent pre-sentence investigations, or PSI reports);
  - An empirically guided forensic assessment to identify mental abnormality, personality disorder, or other relevant characteristics of the individual; and
  - Risk assessment instruments to objectively measure variables found in the field and which are considered predictors of sex offense recidivism.
- Courts should have the explicit authority to order the SOAB to assess those convicted of non-Megan’s law crimes, if the court concludes that sexual gratification was a contributing factor to the defendant’s criminal behavior. Courts should also be permitted to order SOAB assessments prior to re-sentencing and which follow violations of probation or intermediate punishment. Any such report should be provided to the Pennsylvania Board of Probation and Parole (PBPP) and to the individual’s treatment professionals.
- The offenses for which a court must order the SOAB to conduct an assessment under Megan’s Law and for which offenders must be subject to Megan’s Law should be expanded to include statutory sexual assault and all cases of indecent assault.
- At the request of the PBPP, the SOAB should be permitted to conduct a subsequent SOAB assessment of a sexual offender whose parole has been revoked.
- Several options are offered, particularly in light of recent appellate court opinions and based on a PBPP counsel determination regarding the interpretation of *sexually violent predator*.
  - **OPTION 1**

If the statute is interpreted to permit an offender not diagnosed with a mental abnormality or personality disorder to be designated a SVP:

    - When determining SVP status, assessors should be required to consider the risk to the public posed by the offender and based on all examined assessment factors. If the offender has a mental abnormality or personality disorder, presents a high risk for recidivism, or presents substantial marker(s) associated with sexual recidivism, the offender shall be identified as a *sexually violent predator*.
    - Develop procedures to provide consistent assessments and written reports that incorporate this broader definition.

– **OPTION 2**

If the statute is interpreted to limit SVP status to an offender diagnosed with a mental abnormality or personality disorder:

- Create a new category of offenders, *sexually dangerous offenders*, pursuant to the SOAB authority to “establish standards for evaluations and for evaluators conducting the assessments.” (42 Pa.C.S. §9795.4(b)).
  - Require all assessors, on a determination that an offender is not a SVP, to consider the risk to the public posed by the offender, based on all factors examined during the assessment. If the offender presents a high risk for recidivism, or presents substantial marker(s) associated with sexual recidivism, the offender shall be identified as a *sexually dangerous offender*.
  - Develop procedures to provide consistent assessments and written reports that incorporate this new category.
  - Where appropriate and permitted by law, include sexually dangerous offenders in recommendations made herein which apply to SVPs.
- All trial court judges should receive training that illustrates the process by which the SOAB assesses convicted sex offenders, the tools it used during these assessments, the criteria it uses to determine if these offenders are SVPs (or sexually dangerous offenders), and options available for community-based treatment and supervision.
  - All assessment reports prepared by the SOAB should be forwarded to the appropriate corrections and probation/parole authorities and treatment professionals.
  - All pre-sentence investigation reports should be forwarded to the appropriate corrections and probation/parole authorities.
  - The SOAB should be required to maintain a detailed database that tracks the disposition of all convictions for which an SOAB assessment is required. The SOAB should be required to complete and publish a report organized by county that:
    - Details how many court-ordered assessments it received;
    - Indicates how many sex offenders it assessed;
    - Indicates how many it recommended for classification as SVPs;
    - Indicates how many of that number the local district attorney’s office petitioned the court to be classified as SVPs;
    - Indicates how many of that number the courts ultimately classified as SVPs.
  - The local district attorney’s office should be required to notify the SOAB, whether or not it has petitioned the court to have any such sex offender classified as a SVP. This should be done to maintain accurate records on the status of all sex offenders whom the SOAB has recommended for classification as SVPs. Where the district attorney has so petitioned the court, the law should more clearly state that courts must notify the SOAB on a timely basis as to whether or not it has classified the offender as a SVP.

- SOAB determinations should be evaluated for reliability. This evaluation should examine, among other things, how often sex offenders and SVPs commit a subsequent sex crime. A determination should be made, based on the results of this evaluation, if a recalibration about the SOAB assessment criteria is necessary.

### Sentencing

- Enhanced penalties and sentence recommendations should be provided for any offender the court has determined to be a SVP, or who has been convicted of a second or subsequent Megan’s Law offense. To accomplish this, consideration should be given to the recommendations made here. It should be noted that while there was not unanimity on each of the sentencing recommendations, the team believed each was worthy of further discussion and consideration by the PA General Assembly.
  - Enact any necessary legislation to increase the statutory maximum for certain Megan’s Law offenses.
  - The Pennsylvania Commission on Sentencing should promulgate such enhancements.
  - Enact mandatory minimum sentencing provisions, including possible life sentences for those who commit subsequent Megan’s Law offenses.
- Courts should be required to impose a mandatory probationary tail of 10 years to the sentences of all SVPs, consecutive to all other penalties imposed. The statutory *maxima* for any sex offenses for which this mandatory probationary tail would be imposed should be increased to comply with *Apprendi* and its progeny. Consideration should also be given to impose such a tail to:
  - Those convicted of second and subsequent Megan’s Law offenses;
  - Anyone convicted of a Megan’s Law offense whose victim was a minor;
  - Anyone convicted of a Megan’s Law offense who used or threatened to use a deadly weapon in the course of committing the crime; and
  - Anyone convicted of a Megan’s Law offense, where the victim suffered serious bodily injury.

### Incarceration

- A randomized evaluation of the current Pennsylvania Department of Corrections (DOC) sex offender treatment program should be funded and focused on sex offenders in the DOC sex offender treatment program who are expected to be released soon. The results of evaluation should be used to determine if funding for DOC sex offender treatment programs should be increased and if funding should be allocated for community treatment that will continue beyond the term of incarceration and parole.
- Extend the right of crime victims to ensure they have input in county sentence release decisions.

**Post-Incarceration**

- There should be a continuity of care for sex offenders between the DOC and PBPP so sex offenders can continue the same treatment program if they are paroled from a state correctional institution. This should include standardized quality of treatment available in all areas of the Commonwealth, including rural areas. It should also establish consistent levels of supervision for various sex offenders, use of specialized caseloads, and use of global position systems.
- The Commonwealth and local governments should jointly contract for sex offender treatment services to make better use of more efficient resources. These services should include polygraph services and sex offender assessment tools. If there is no such contract, the SOAB should identify which treatment tools the Commonwealth and counties should use, nonetheless.

Designate the Pennsylvania Office of the Victim Advocate (OVA) as the single point of registration for victims whose offenders are designated as SVPs, for the purpose of assuming the current victim notification responsibilities assigned to local and state police on the release of a SVP.

**Structural Changes for Better Management of Sex Offenders**

- A “Sexual Offender Assessment Board Policy Board” should be created and examine and report on sex offender policy issues and develop standardized sex offender treatment protocols in Pennsylvania that include guidelines on victim issues. The policy board should consist of representatives from the agencies and organizations identified below (not meant to be all inclusive).
  - Pennsylvania Department of Corrections
  - Pennsylvania Board of Probation and Parole
  - Pennsylvania Commission on Crime and Delinquency
  - Pennsylvania State Policy
  - Pennsylvania Office of the Victim Advocate
  - Pennsylvania Department of Public Welfare
  - Pennsylvania District Attorneys’ Association
  - Administrative Office of the Pennsylvania Courts
  - Pennsylvania Commission on Sentencing
  - County Commissioners Association of Pennsylvania
  - Pennsylvania Coalition Against Rape
- The SOAB and the SOAB Policy Board should be authorized to develop standards of certification for sex offense-specific professionals.

- The Pennsylvania Department of Public Welfare and the Pennsylvania Juvenile Court Judges Commission should coordinate procedures to deal with and contain juvenile sex offenders, and to provide protocols and recommendations within 12 months.

## Appendix: Grant Collaborative Team

The following represents the list of the Bureau of Justice Assistance grant collaborative team members. This list does not include all those involved in the work of the grant committees.

Diane Dombach	Executive Director, PA Sexual Offenders Assessment Board (SOAB)
Veronique Valliere, PsyD.	Community Treatment Provider, PA Sexual Offender Assessment Board Member (SOAB)
Barry Zakireh, Ph.D.	Director of Adult and Forensic Programs, Joseph J. Peters Institute, PA Sexual Offender Assessment Board Member (SOAB)
Bridget Mickere	Psychologist, PA Sexual Offender Assessment Board Member (SOAB)
Catherine McVey	Chairman, PA Board of Probation and Parole (PBPP)
Benjamin Martinez	Former Chairman, PA Board of Probation and Parole (PBPP)
Lauren Taylor	Director of Office of Policy, Legislative Affairs and Communications, PA Board of Probation and Parole (PBPP)
Mark Bergstrom	Executive Director, PA Commission on Sentencing
Jeffrey Miller	Commissioner, PA State Police (PSP)
Janet McNeal	Commander, Megan's Law Unit, PA State Police (PSP)
Joseph Holmberg	Director, Bureau of Records and Identification, PA State Police (PSP)
Syndi Guido	Executive Policy Manager, PA State Police (PSP)
Carol Lavery	Victim Advocate, PA Office of the Victim Advocate (OVA)
Mary Achilles	Former Victim Advocate, PA Office of the Victim Advocate (OVA)
Victoria Sostak	Director, Victim Assistance, PA Office of the Victim Advocate (OVA)
Michael Hamel	Chief Adult Probation Officer, Montgomery County, PA
Lisette McCormick, Esq.	Executive Director, Inter-branch Commission on Gender, Racial, and Ethnic Fairness, Office of the Chief Justice of PA

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Steven Custer	Chief Juvenile Probation Officer, Montgomery County, PA
Sean McCormack	Chief Deputy District Attorney, Office of the District Attorney, Dauphin County, PA
Jeffrey Beard, Ph.D.	Secretary, PA Department of Corrections (DOC)
Kathleen Gnall	Director of Research and Statistics, PA Department of Corrections (DOC)
Sandra Wolfgang	Director, Sex Offender Programming, PA Department of Corrections (DOC)
Roberta Altenor	Special Assistant, Office of Mental Health and Substance Abuse Services, PA Department of Public Welfare (DPW)
Greg Rowe	Senior Policy Manager, Governor’s Policy Office, Commonwealth of PA
James Anderson	Executive Director, PA Juvenile Court Judges Commission (JCJC)
Keith Snyder	Deputy Director, PA Juvenile Court Judges Commission (JCJC)
Delilah Rumberg	Executive Director, PA Coalition Against Rape (PCAR)
Diane Moyer	Legal Director, PA Coalition Against Rape (PCAR)
Joyce Lukima	Training and Technical Assistance Director, PA Coalition Against Rape (PCAR)
Sherry Tate	Director of Policy and Legislative Affairs, PA Commission on Crime and Delinquency (PCCD)
Barbara Sims, Ph.D.	Associate Professor, The Pennsylvania State University
Christopher Murphy	Sex Offender Coordinator, Montgomery County Probation, PA
Mary Onama	Executive Director, Victims Services Center of Montgomery County, PA
Sara Webster, Esq.	Shareholder for Mellon, Webster, & Shelly, PC

**Addendum – September 2006**

The work reflected in this Containment Plan was completed prior to July 2006. It is important to note that on July 20, 2006, Congress passed the “Adam Walsh Child Protection and Safety Act of 2006.” This new federal legislation changes current law by, among other things, no longer mandating states to determine which sex offenders are sexually violent predators (SVPs). Instead, the federal mandate imposes on certain sex offenders many of the same requirements (e.g., lifetime registration, community notification) that currently apply to SVPs, based purely on conviction. Pennsylvania will need to make significant amendments to its Megan’s Law statute and classify sex offenders into three tiers based on the sex crimes for which they have been convicted.

The Containment Model will be continuously updated to reflect best practices regarding the management and containment of sex offenders. CSOM, ATSA and other national and international authorities will continue to publish evidence based and PA’s Containment Model will always recommend and access practices supported by appropriate clinical and field studies. As noted above, this “manual” is designed to be a working, relevant tool to serve as a common guide for the management of sex offenders at all levels throughout Pennsylvania.

**CHAPTER 2 — PENNSYLVANIA STATUTES**

## Overview

This chapter provides a brief description of Pennsylvania's sentencing structure, followed by lists and descriptions of sex related offenses contained within the Pennsylvania statutes.

### Sentencing in Pennsylvania

Pennsylvania has an indeterminate sentencing system, in that most incarceration sentences are comprised of a judicially-imposed minimum and maximum sentence. For maximum incarceration sentences of two years or greater (a state sentence), the PA Board of Probation and Parole (PBPP) determines if and when the offender is released before the expiration of the maximum sentence, and under what conditions.

Offenders *must* serve the entire minimum sentence of a state sentence; generally, the minimum sentence cannot exceed half the maximum sentence. Other states with indeterminate sentencing systems include Michigan and Utah.

### Comparison to Determinate Sentencing Systems

Many states have a determinate sentencing system, where the court imposes a sentence of a specific amount of time (a flat sentence) and the offender is incarcerated for *no longer than* the given sentence. In determinate sentencing systems, provisions are often available to release the offender earlier than the judicially pronounced sentence, based on good behavior. Examples of determinate sentencing systems include the states of Florida and Washington, as well as the federal government.

#### **PA: Grade of the Offense, Define the Longest Sentence**

Statutory grades and/or statutory maximums define the longest maximum sentence (incarceration and/or supervision) that may be imposed in the worst-case scenario of a conviction offense. Elements must be proven beyond a reasonable doubt at trial.

#### **PA: Mandatory Minimums, Define the Shortest Sentence**

Mandatory minimum sentences are legislative sentencing provisions that establish the shortest sentence possible for certain offenses. Generally, factors may be determined by the court at sentencing under a preponderance of the evidence standard.

Pennsylvania statutes contain two types of mandatory sentencing provisions:

- Notice required — The mandatory only applies if the prosecutor gives reasonable notice to the defendant, prior to sentencing, of his/her intent to require the mandatory minimum sentence.
- No notice required — The mandatory provision applies automatically upon conviction.

#### **PA: Sentencing Guidelines, Define the Typical Sentence**

Guidelines provide sentencing ranges for the minimum sentence of the most typical case. Generally, factors may be determined by the court at sentencing under a preponderance of the evidence standard. The guidelines do not make recommendations concerning either the

maximum sentence, or whether the sentences for each offense should run concurrently or consecutively. Both the Commonwealth and the defendant may seek appellate review of a sentence, which by statute must pass a more stringent review if the judge sentenced outside the guidelines.

### **Pennsylvania's Authorized Dispositions (General Provisions)**

Except where the statute relating to an offense specifically provides otherwise, the following maximum lengths of confinement are permitted by 18 Pa. C. S. §§1102-1105:

- For murder of the first degree and first degree murder of an unborn child, life imprisonment or death;
- For murder of the second degree and second degree murder of an unborn child, life imprisonment;
- For murder of the third degree or third degree murder of an unborn child, or attempt, solicitation or conspiracy to commit murder or murder of an unborn child resulting in serious bodily injury, not more than 40 years;
- For a Felony 1 not otherwise listed\*, not more than 20 years; (\* see exceptions related to Rape and IDSI of child < 13 years of age);
- For a Felony 2, not more than 10 years;
- For a Felony 3, not more than seven years;
- For a Misdemeanor 1, not more than five years;
- For a Misdemeanor 2, not more than two years;
- For a Misdemeanor 3, not more than one year; and
- For a summary offense, not more than 90 days. The longest minimum length of confinement for a summary offense is also 90 days.

**Sex-Related Offenses**

The following chart provides a listing of statutes that are either directly or indirectly related to a sex offense, including the Crimes Code citation, a description, the statutory class or grade, and the sentencing guidelines assignments.

18 Pa. C.S. §	OFFENSE TITLE	STATUTORY CLASS	§303.3 OFFENSE GRAVITY SCORE	§303.7 PRIOR RECORD POINTS
901	Criminal Attempt [INCHOATE]	18 Pa.C.S. §905	See §303.3(c)	See §303.8(b)
902	Criminal Solicitation [INCHOATE]	18 Pa.C.S. §905	See §303.3(c)	See §303.8(b)
903	Criminal Conspiracy [INCHOATE]	18 Pa.C.S. §905	See §303.3(c)	See §303.8(b)
2901	Kidnapping	F1	10	4
2901 INCHOATE	- Attempt/Solicitation/Conspiracy to Kidnapping	18 Pa.C.S. §905	9	3
2910	Luring a Child into a Motor Vehicle	M1	5	1
3121 (a)	Rape	F1	12	4
3121 (a) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. §905	11	3
3121 (b)	Rape (uses substance to impair victim)	F1	13	4
3121 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. §905	12	3
3121 (c)	Rape (child <13 yrs.)	F1	14	4
3121 (c) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. §905	13	3
3121 (d)	Rape (child <13 yrs., sbi)	F1	14	4
3121 (d) INCHOATE	- Attempt/Solicitation/Conspiracy to Rape	18 Pa.C.S. §905	13	3
3122.1	Statutory Sexual Assault	F2	7	2
3123 (a)	Involuntary Deviate Sexual Intercourse	F1	12	4
3123 (a) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. §905	11	3
3123 (b)	Involuntary Deviate Sexual Intercourse (child <13 yrs.)	F1	14	4
3123 (b) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. §905	13	3
3123 (c)	Involuntary Deviate Sexual Intercourse (child <13 yrs., sbi)	F1	14	4

3123 (c) INCHOATE	- Attempt/Solicitation/Conspiracy to Involuntary Deviate Sexual Intercourse	18 Pa.C.S. §905	13	3
3124.1	Sexual Assault	F2	11	4
3124.1 INCHOATE	- Attempt/Solicitation/Conspiracy to Sexual Assault	18 Pa.C.S. §905	11	3
3124.2	Institutional sexual assault	F3	5	1
3125 (a)	Aggravated Indecent Assault	F2	10	4
3125 (b)	Aggravated Indecent Assault (child)	F1	12	4
3125 INCHOATE	- Attempt/Solicitation/Conspiracy to Aggravated Indecent Assault	18 Pa.C.S. §905	10	3
3126 (a)(1)- (6), (8)	Indecent Assault	M2	4	m
3126 (a)(7)	Indecent Assault (child <13 years)	M1	5	1
3127	Indecent Exposure (person present is 16 years of age or older)	M2	3	m
3127	Indecent Exposure (person present is less than 16 years of age)	M1	4	1
3129	Sexual intercourse with animal	M2	2	m
4302	Incest	F2	9	4
4302 INCHOATE	- Attempt/Solicitation/Conspiracy to Incest	18 Pa.C.S. §905	9	3
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime, 3rd and subsequent offense)	F3	5	1
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year, 3rd and subsequent offense)	F3	5	1
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime, 2nd offense)	M1	3	m
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year, 2nd offense)	M2	2	m
4915 (a)(1)	Failure to Register, Sexual Offender Registration (Lifetime)	M2	2	m
4915 (a)(1)	Failure to Register, Sexual Offender Registration (10-year)	M3	1	m
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 3rd and subsequent offense)	F3	5	1
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 3rd and subsequent offense)	F3	5	1

4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime, 2nd offense)	M1	3	m
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year, 2nd offense)	M2	2	m
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (Lifetime)	M2	2	m
4915 (a)(2)	Failure to Verify Address or be Photographed, Sexual Offender Registration (10-year)	M3	1	m
4915 (a)(3)	Failure to Provide Accurate Information, Sexual Offender Registration (Lifetime)	F3	5	1
4915 (a)(3)	Failure to Provide Accurate Information, Sexual Offender Registration (10-year)	F3	5	1
5901	Open Lewdness	M3	1	m
5902 (a.1)(1)	Prostitution (first/second offense)	M3	1	m
5902 (a.1)(2)	Prostitution (third offense)	M2	3	m
5902 (a.1)(3)	Prostitution (fourth/subsequent offense)	M1	4	m
5902 (a.1)(4)	Prostitution (HIV or AIDS related)	F3	7	1
5902 (c)(1)	Promoting Prostitution	F3	5	1
5902 (b) when (c)(1)(iii) applies	Prostitution Involving Minors	F3	8	1
5902 (c)(2)	Promoting Prostitution	M2	3	m
5902 (e.1)(1)	Patronizing Prostitutes (first/second offense)	M3	1	m
5902 (e.1)(2)	Patronizing Prostitutes (third offense)	M2	3	m
5902 (e.1)(3)	Patronizing Prostitutes (fourth/subsequent offense)	M1	4	m
5902 (e.1)(4)	Patronizing Prostitutes (HIV/AIDS)	F3	7	1
5903	Obscene Materials	M1	3	m
5903	Obscene Materials	F3	5	1
5903	Obscene Materials	F2	7	2
6312 (b)	Sexual Abuse of Children (photographing, etc.)	F2	7	2
6312 (c)	Sexual Abuse of Children (dissemination, etc.; first offense)	F3	6	1
6312 (c)	Sexual Abuse of Children (dissemination, etc.; second/subsequent offense)	F2	8	2
6312 (d)	Possession of Child Pornography (first offense)	F3	5	1

6312 (d)	Possession of Child Pornography (second/subsequent offense)	F2	8	2
6318	Unlawful contact or communication with minor (if underlying offense is less than M1)	M1	3	1
6318	Unlawful contact or communication with minor (if underlying offense is M1 or greater)	same as underlying offense	same as underlying offense	same as underlying offense
6320	Sexual exploitation of children	F2	9	2
7624 (1)	Internet service provider (child pornography violation, 1st offense)	M3	1	m
7624 (2)	Internet service provider (child pornography violation, 2nd offense)	M2	2	m
7624 (3)	Internet service provider (child pornography violation, 3rd or subsequent offense)	F3	5	1

## Statutory Terms

The following paragraphs identify and define some of the specific terms used in the statutes. These definitions are based on statutory language. The list is not totally inclusive, but provides definitions for the most commonly identified terms.

### **Purdon's Pennsylvania Statutes and Consolidated Statutes Annotated**

Title 18 Pa.C.S.A. Crimes And Offenses

Part II. Definition of Specific Offenses

Article B. Offenses Involving Danger to the Person

Chapter 23. General Provisions

§2301. Definitions

Subject to additional definitions contained in subsequent provisions of this article which are applicable to specific chapters or other provisions of this article, the following words and phrases, when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

- **Bodily Injury:** Impairment of physical condition or substantial pain.
- **Deadly Weapon:** Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury.
- **Serious Bodily Injury:** Bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- **Serious Provocation:** Conduct sufficient to excite an intense passion in a reasonable person.

### **Purdon's Pennsylvania Statutes and Consolidated Statutes Annotated**

Title 18 Pa.C.S.A. Crimes And Offenses

Part II. Definition of Specific Offenses

Article B. Offenses Involving Danger to the Person

Chapter 31. Sexual Offenses

Subchapter A. General Provisions

§3101. Definitions

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

- **Complainant:** An alleged victim of a crime under this chapter.
- **Deviate Sexual Intercourse:** Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration,

however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic, or law enforcement procedures.

- **Forcible Compulsion:** Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.
- **Foreign Object:** Includes any physical object that is not a part of the actor's body.
- **Indecent Contact:** Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.
- **Serious Bodily Injury:** As defined in Section 2301 (relating to definitions).
- **Sexual Intercourse:** In addition to its ordinary meaning, this includes intercourse per os or per anus, with some penetration however slight; emission is not required.

### **Purdon's Pennsylvania Statutes and Consolidated Statutes Annotated**

Title 18 Pa.C.S.A. Crimes And Offenses

Part II. Definition of Specific Offenses

Article G. Miscellaneous Offenses

Chapter 76. Computer Offenses

Subchapter C. Internet Child Pornography

§ 7621. Definitions

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

- **Child Pornography:** As described in Section 6312 (relating to sexual abuse of children).
- **Internet:** The myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the transmission control protocol, Internet protocol, or any predecessor or successor protocols to such protocol to communicate information of all kinds by wire or radio.
- **Internet Service Provider:** A person who provides a service that enables users to access content, information, electronic mail, or other services offered over the Internet.

### **Purdon's Pennsylvania Statutes and Consolidated Statutes Annotated**

Title 42 Pa.C.S.A. Judiciary And Judicial Procedure

Part VIII. Criminal Proceedings

Chapter 97. Sentencing

Subchapter H. Registration of Sexual Offenders

§9792. Definitions

**Glossary: Pennsylvania Statutes**

The following words and phrases when used in this subchapter shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

- **Active Notification:** Notification pursuant to Section 9798 (relating to other notification) or any process whereby law enforcement, pursuant to the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, notifies persons in the community in which the individual resides, including any person identified in Section 9798(b), of the residence, employment, or school location of the individual.
- **Approved Registration Site:** A site in the Commonwealth approved by the Pennsylvania State Police as required by Section 9799.1(2) (relating to duties of Pennsylvania State Police):
  - At which individuals subject to this subchapter may register, verify information, or be fingerprinted or photographed as required by this subchapter;
  - Which is capable of submitting fingerprints utilizing the Integrated Automated Fingerprint Identification System, or in another manner and in such form as the Pennsylvania State Police shall require; and
  - Which is capable of submitting photographs utilizing the Commonwealth Photo Imaging Network, or in another manner and in such form as the Pennsylvania State Police shall require.
- **Board:** The State Sexual Offenders Assessment Board.
- **Common Interest Community:** Includes a cooperative, a condominium, and a planned community where an individual, by virtue of an ownership interest in any portion of real estate, is or may become obligated by covenant, easement, or agreement imposed upon the owner's interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration, or regulation of any part of the real estate other than the portion or interest owned solely by the individual.
- **Commonwealth Photo Imaging Network:** The computer network administered by the Commonwealth and used to record and store digital photographs of an individual's face and any scars, marks, tattoos, or other unique features of the individual.
- **Employed:** Includes a vocation or employment that is full-time or part-time for a period that exceeds 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, pursuant to a contract, or for the purpose of government or educational benefit.
- **Integrated Automated Fingerprint Identification System:** The national fingerprint and criminal history system maintained by the Federal Bureau of Investigation providing automated fingerprint search capabilities, latent searching capability, electronic image storage, and electronic exchange of fingerprints and responses.
- **Mental Abnormality:** A congenital or acquired condition of a person that affects their emotional or volitional capacity in a manner that predisposes them to the commission of

criminal sexual acts to a degree that makes them a menace to the health and safety of others.

- **Minor:** As used in Section 9795.1 (relating to registration), a minor is any individual under the age of 18, unless the age of the victim who is considered a minor is otherwise defined in Section 9795.1.
- **Municipality:** A city, borough, incorporated town, or township.
- **Offender:** An individual required to register under Section 9795.1(a), (b)(1) or (2) (relating to registration).
- **Passive Notification:** Notification pursuant to Section 9798.1 (relating to information made available on the Internet) or any process whereby persons, pursuant to the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, or a foreign nation are able to access information pertaining to an individual as a result of the individual having been convicted or sentenced by a court for an offense similar to an offense listed in Section 9795.1 (relating to registration).
- **Penetration:** Includes any penetration, however slight, of the genitals or anus or mouth of another person with a part of the person's body or a foreign object for any purpose other than good faith medical, hygienic, or law enforcement procedures.
- **Predatory:** An act directed at a stranger or at a person with whom a relationship has been initiated, established, maintained, or promoted, in whole or in part, to facilitate or support victimization.
- **Residence:** A location where an individual resides or is domiciled, or intends to be domiciled for 30 consecutive days or more during a calendar year.
- **Sexually Violent Offense:** Any criminal offense specified in Section 9795.1 (relating to registration).
- **Sexually Violent Predator:** A person who has been convicted of a sexually violent offense as set forth in Section 9795.1 (relating to registration) and who is determined to be a sexually violent predator under Section 9795.4 (relating to assessments) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator, where the determination occurred in the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation, or by court martial.
- **Student:** A person who is enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education.

### Description of Offenses

The following descriptions of many of the listed sex related offenses may or may not include the entire statute, depending on the complexity of the offense cited. To obtain a complete description of the offense, refer to the full text of the statute.

#### 18 Pa.C.S. § 2901 Kidnapping

- Offense Defined: A person is guilty of kidnapping if he unlawfully removes another a substantial distance under the circumstances from the place where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following intentions:
  - To hold for ransom or reward, or as a shield or hostage;
  - To facilitate commission of any felony or flight thereafter;
  - To inflict bodily injury on or to terrorize the victim or another; or
  - To interfere with the performance by public officials of any governmental or political function.

<b>Grading and Sentences</b>		<u>Longest Possible (months)</u>			
		<b>Grade</b>	<b>Minimum</b>	<b>Maximum</b>	<b>OGS</b>
18 § 2901	Kidnapping.....	F-1	120	240	10

<b>Mandatory Minimum Statutes: Minimum Sentence Requirement if Applicable (in Months)</b>											
	2nd-Crime of Violence	3rd-Crime of Violence	3rd-Crime of Violence	Public Transportation	Impersonate Law Officer	Victim over 60 years old	Victim under 13 years old	Victim under 13 years old	Victim under 16 years old	Visibly Possessed Firearm	Prohibited Bullets
Kidnapping <sup>2</sup>	<i>120 mo</i>	<i>300 mo</i>	<i>LIFE</i>	<i>60 mo</i>			<u><i>60 mo</i></u>	<u><i>30 mo</i></u>		<i>60 mo</i>	<u><i>60 mo</i></u>
<sup>1</sup> Crime of violence	<sup>2</sup> Megan's Law offense (age-related)					<i>Notice Required</i>		<u><b>No Notice Required</b></u>			

**18 Pa.C.S. § 3121 Rape**

- Offense Defined: A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:
  - By forcible compulsion;
  - By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
  - Who is unconscious or where the person knows that the complainant is unaware the sexual intercourse is occurring;
  - Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or
  - Who suffers from a mental disability which renders the complainant incapable of consent.

<b>Grading and Sentences</b>	<b>Grade</b>	<b><u>Longest Possible (months)</u></b>		
		<b>Minimum</b>	<b>Maximum</b>	<b>OGS</b>
18 § 3121 (a) Rape .....	F-1	120	240	12
18 § 3121 (b) Rape (uses substance to impair victim).....	F-1	180	360	13
18 § 3121 (c) Rape (child <13 years old).....	F-1	240	480	14
18 § 3121 (d) Rape (child <13 years old, with SBI).....	F-1	LIFE	LIFE	14

<b>Mandatory Minimum Statutes: Minimum Sentence Requirement if Applicable (in Months)</b>											
	2nd-Crime of Violence	3rd-Crime of Violence	3rd-Crime of Violence	Public Transportation	Impersonate Law Officer	Victim over 60 years old	Victim under 13 years old	Victim under 13 years old	Victim under 16 years old	Visibly Possessed Firearm	Prohibited Bullets
Rape <sup>1,2</sup>	120 mo	300 mo	LIFE	60 mo	36 mo	<u>60 mo</u>	<u>60 mo</u>		<u>60 mo</u>	60 mo	<u>60 mo</u>
<sup>1</sup> Crime of violence	<sup>2</sup> Megan's Law offense		<i>Notice Required</i>				<b><u>No Notice Required</u></b>				

**18 Pa.C.S. § 3122.1 Statutory Sexual Assault**

Offense Defined: Except as provided in Section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is four or more years older than the complainant, and the complainant and the person are not married to each other.

		<u>Longest Possible (months)</u>			
<b>Grading and Sentences</b>		<b>Grade</b>	<b>Minimum</b>	<b>Maximum</b>	<b>OGS</b>
18 § 3122.1	Statutory Sexual Assault.....	F-2	60	120	7

Mandatory Minimum Statutes: Minimum Sentence Requirement if Applicable (in Months)											
	2nd-Crime of Violence	3rd-Crime of Violence	3rd-Crime of Violence	Public Transportation	Impersonate Law Officer	Victim over 60 years old	Victim under 13 years old	Victim under 13 years old	Victim under 16 years old	Visibly Possessed Firearm	Prohibited Bullets
Rape <sup>1,2</sup>	120 mo	300 mo	LIFE	60 mo	36 mo	<u>60 mo</u>	<u>60 mo</u>		<u>60 mo</u>	60 mo	<u>60 mo</u>
<sup>1</sup> Crime of violence		<sup>2</sup> Megan's Law offense		<i>Notice Required</i>			<u><b>No Notice Required</b></u>				

**18 Pa.C.S. § 3123 Involuntary Deviate Sexual Intercourse [IDSI]**

- Offense Defined: A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:
  - By forcible compulsion;
  - By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
  - Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
  - Where the person has substantially impaired the complainant’s power to appraise or control his/her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
  - Who suffers from a mental disability that renders the complainant incapable of consent;
  - Who is less than 13 years of age;
  - Who is less than 16 years of age and the person is four or more years older than the complainant, and the complainant and person are not married to each other;

- Deviate Sexual Intercourse: Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic, or law enforcement procedures.

<b>Grading and Sentences</b>	<b>Longest Possible (months)</b>			<b>OGS</b>
	<b>Grade</b>	<b>Minimum</b>	<b>Maximum</b>	
18 § 3123 (a) IDSI.....	F-1	120	240	12
18 § 3123 (b) IDSI (child <13 years old) .....	F-1	240	480	14
18 § 3123 (c) IDSI (child <13 years old, with SBI) .....	F-1	LIFE	LIFE	14

<b>Mandatory Minimum Statutes: Minimum Sentence Requirement if Applicable (in Months)</b>											
	2nd-Crime of Violence	3rd-Crime of Violence	3rd-Crime of Violence	Public Transportation	Impersonate Law Officer	Victim over 60 years old	Victim under 13 years old	Victim under 13 years old	Victim under 16 years old	Visibly Possessed Firearm	Prohibited Bullets
IDSI <sup>1,2</sup>	120 mo	300 mo	LIFE	60 mo	36 mo	<u>60 mo</u>			<u>60 mo</u>	60 mo	<u>60 mo</u>
<sup>1</sup> Crime of violence	<sup>2</sup> Megan's Law offense					<i>Notice Required</i>				<b><u>No Notice Required</u></b>	

**18 Pa.C.S. § 3124.1 Sexual Assault**

- Offense Defined: Except as provided in Section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.
- Sexual Intercourse: In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.
- Deviate Sexual Intercourse: Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic, or law enforcement procedures.]

<b>Grading and Sentences</b>		<u>Longest Possible (months)</u>			
		<b>Grade</b>	<b>Minimum</b>	<b>Maximum</b>	<b>OGS</b>
18 § 3124.1	Sexual Assault .....	F-2	60	120	11

<b>Mandatory Minimum Statutes: Minimum Sentence Requirement if Applicable (in Months)</b>											
	2nd-Crime of Violence	3rd-Crime of Violence	3rd-Crime of Violence	Public Transportation	Impersonate Law Officer	Victim over 60 years old	Victim under 13 years old	Victim under 13 years old	Victim under 16 years old	Visibly Possessed Firearm	Prohibited Bullets
Sexual Assault <sup>1,2</sup>	120 mo	300 mo	LIFE	60 mo						60 mo	<u>60 mo</u>
<sup>1</sup> Crime of violence	<sup>2</sup> Megan's Law offense		<i>Notice Required</i>				<b><u>No Notice Required</u></b>				

**18 Pa.C.S. § 3124.2 Institutional Sexual Assault**

Offense Defined: Except as provided in Sections 3121 (relating to rape); 3122.1 (relating to statutory sexual assault); 3123 (relating to involuntary deviate sexual intercourse); 3124.1 (relating to sexual assault); and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident. As used in this section, the term "agent" means a person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth, or mental health or mental retardation facility, or institution who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

<i>Grading and Sentences</i>		<u>Longest Possible (months)</u>			
		Grade	Minimum	Maximum	OGS
18 § 3124.1	Institutional sexual assault.....	F-3	42	84	5

**Mandatory Minimum Statutes: No Mandatory Statutes Apply**

**18 Pa.C.S. § 3125 Aggravated Indecent Assault**

- Offenses Defined: Except as provided in Sections 3121 (relating to rape); 3122.1 (relating to statutory sexual assault); 3123 (relating to involuntary deviate sexual intercourse); and 3124.1 (relating to sexual assault) a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person’s body for any purpose other than good faith medical, hygienic, or law enforcement procedures commits aggravated indecent assault if:
  - The person does so without the complainant’s consent;
  - The person does so by forcible compulsion;
  - The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
  - The complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;
  - The person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;

- The complainant suffers from a mental disability which renders him or her incapable of consent;
- The complainant is less than 13 years of age; or
- The complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

<b>Grading and Sentences</b>	<u>Longest Possible (months)</u>			<b>OGS</b>
	<b>Grade</b>	<b>Minimum</b>	<b>Maximum</b>	
18 § 3125 (a) Aggravated Indecent Assault.....	F-2	60	120	10
18 § 3125 (b) Agg. Indecent Assault (child <13 years)....	F-1	120	240	12

<b>Mandatory Minimum Statutes: Minimum Sentence Requirement if Applicable (in Months)</b>											
	2nd-Crime of Violence	3rd-Crime of Violence	3rd-Crime of Violence	Public Transportation	Impersonate Law Officer	Victim over 60 years old	Victim under 13 years old	Victim under 13 years old	Victim under 16 years old	Visibly Possessed Firearm	Prohibited Bullets
Agg Indecent Assault <sup>1,2</sup>	<i>120 mo</i>	<i>300 mo</i>	<i>LIFE</i>	<i>60 mo</i>			<u><i>60 mo</i></u>	<u><i>30 mo</i></u>		<i>60 mo</i>	<u><i>60 mo</i></u>
<sup>1</sup> Crime of violence	<sup>2</sup> Megan's Law offense		<i>Notice Required</i>			<u><i>No Notice Required</i></u>					

**18 Pa.C.S. § 3126 Indecent Assault**

- Offense Defined: A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person, or intentionally causes the complainant to come into contact with seminal fluid, urine, or feces for the purpose of arousing sexual desire in the person or the complainant and:
  - The person does so without the complainant's consent;
  - The person does so by forcible compulsion;
  - The person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
  - The complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
  - The person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;

- The complainant suffers from a mental disability which renders the complainant incapable of consent;
  - The complainant is less than 13 years of age; or
  - The complainant is less than 16 years of age and the person is four or more years older than the complainant, and the complainant and the person are not married to each other.
- Indecent Contact: Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.

<b>Grading and Sentences</b>	<b>Grade</b>	<b><u>Longest Possible (months)</u></b>		<b>OGS</b>
		<b>Minimum</b>	<b>Maximum</b>	
18 § 3126 (a)(1) & (a)(8) Indecent Assault .....	M-2	12	24	4
18 § 3126 (a)(2) - (a)(7) Indecent Assault (child <13 years).....	M-1	30	60	5
18 § 3126 (a)(7) Indecent Assault (certain conditions) .....	F-3	42	84	5

**Mandatory Minimum Statutes: No Mandatory Statutes Apply**

**18 Pa.C.S. § 3127 Indecent Exposure**

- Offense Defined: A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront, or alarm.

<b>Grading and Sentences</b>	<b>Grade</b>	<b><u>Longest Possible (months)</u></b>		<b>OGS</b>
		<b>Minimum</b>	<b>Maximum</b>	
18 § 3127 Indecent exposure/person under 16 years.....	M-1	30	60	4
18 § 3127 Indecent exposure.....	M-2	12	24	3

**Mandatory Minimum Statutes: No Mandatory Statutes Apply**

**18 Pa.C.S. § 4915 Failure to Comply with Registration of Sexual Offenders Registration**

- Offense Defined: An individual who is subject to registration under 42 Pa.C.S. § 9795.1(a) (relating to registration); or an individual who is subject to registration under 42 Pa.C.S. § 9795.1(b)(1), (2); or (3) commits an offense if he knowingly fails to:
  - Register with the Pennsylvania State Police as required under 42 Pa.C.S. § 9795.2 (relating to registration procedures and applicability);
  - Verify his address or be photographed as required under 42 Pa.C.S. § 9796 (relating to verification of residence); or
  - Provide accurate information when registering under 42 Pa.C.S. § 9795.2 or verifying an address under 42 Pa.C.S. § 9796.

<i>Grading and Sentences</i>		<b>Grade</b>	<b><u>Longest Possible (months)</u></b>		<b>OGS</b>
			<b>Minimum</b>	<b>Maximum</b>	
18 § 4915	Failure to register, etc. ....	F-3	42	84	5
18 § 4915	Failure to register, etc. ....	M-1	30	60	3
18 § 4915	Failure to register, etc. ....	M-2	12	24	2
18 § 4915	Failure to register, etc. ....	M-3	6	12	1

**Mandatory Minimum Statutes: No Mandatory Statutes Apply**

**18 Pa.C.S. § 5901 Open Lewdness**

- Offense Defined: A person commits a misdemeanor of the third degree if he does any lewd act which he knows is likely to be observed by others who would be affronted or alarmed.

<i>Grading and Sentences</i>		<b>Grade</b>	<b><u>Longest Possible (months)</u></b>		<b>OGS</b>
			<b>Minimum</b>	<b>Maximum</b>	
18 § 5901	Open lewdness .....	M-3	6	12	1

**Mandatory Minimum Statutes: No Mandatory Statutes Apply**

**18 Pa.C.S. § 5903 Obscene and Other Sexual Material and Performances**

- Offenses Defined: No person, knowing the obscene character of the materials or performances involved, shall:
  - Display, cause, or permit the display of any explicit sexual materials as defined in subsection (c) in or on any window, showcase, newsstand, display rack, billboard, display board, viewing screen, motion picture screen, marquee or similar place in such manner that the display is visible from any public street, highway, sidewalk, transportation facility or other public thoroughfare, or in any business or commercial establishment where minors, as a part of the general public or otherwise, are or will probably be exposed to view all or any part of such materials;
  - Sell, lend, distribute, transmit, exhibit, give away or show any obscene materials to any person 18 years of age or older or offer to sell, lend, distribute, transmit, exhibit or give away or show, or have in his possession with the intent to sell, lend, distribute, transmit, exhibit or give away or show any obscene materials to any person 18 years of age or older, or knowingly advertise any obscene materials in any manner;
  - Design, copy, draw, photograph, print, utter, publish or in any manner manufacture or prepare any obscene materials;
  - Write, print, publish, utter or cause to be written, printed, published or uttered any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, from whom, or by what means any obscene materials can be purchased, obtained or had;
  - Produce, present or direct any obscene performance or participate in a portion thereof that is obscene or that contributes to its obscenity;
  - Hire, employ, use or permit any minor child to do or assist in doing any act or thing mentioned in this subsection;
  - Knowingly take or deliver in any manner any obscene material into a State correctional institution, county prison, regional prison facility or any other type of correctional facility;
  - Possess any obscene material while such person is an inmate of any State correctional institution, county prison, regional prison facility or any other type of correctional facility; or
  - Knowingly permit any obscene material to enter any State correctional institution, county prison, regional prison facility or any other type of correctional facility if such person is a prison guard or other employee of any correctional facility described in this paragraph.
- Other sections further define the offense as follows:
  - (a.1) Dissemination of explicit sexual material via an electronic communication;
  - (c) Dissemination to minors
  - (d) Admitting minor to show;
  - (f) Requiring sale as condition of business dealings.

- Obscene: Any material or performance if:
  - the average person applying contemporary community standards would find that the subject matter taken as a whole appeals to the prurient interest;
  - the subject matter depicts or describes in a patently offensive way, sexual conduct of a type described in this section; and
  - the subject matter, taken as a whole, lacks serious literary, artistic, political, educational or scientific value.

<i>Grading and Sentences</i>	Grade	<u>Longest Possible (months)</u>		OGS
		Minimum	Maximum	
18 § 5903 (c),(d) Obscene materials (2nd/subsequent).....	F-2	60	120	7
18 § 5903 (c),(d) Obscene materials.....	F-3	42	84	5
18 § 5903 (a) Obscene materials (2nd/subsequent).....	F-3	42	84	5
18 § 5903 (a),(a.1),(f) Obscene materials.....	M-1	30	60	3

**Mandatory Minimum Statutes: No Mandatory Statutes Apply**

**18 Pa.C.S. § 6312 Sexual Abuse of Children (Pornography)**

- Definition: As used in this section, “prohibited sexual act” means sexual intercourse as defined in Section 3101 (relating to definitions), masturbation, sadism, masochism, bestiality, fellatio, cunnilingus, lewd exhibition of the genitals or nudity if such nudity is depicted for the purpose of sexual stimulation or gratification of any person who might view such depiction.
  - (a) Photographing, videotaping, depicting on computer or filming sexual acts: Any person who causes or knowingly permits a child under the age of 18 years to engage in a prohibited sexual act or in the simulation of such act is guilty of a felony of the second degree if such person knows, has reason to know or intends that such act may be photographed, videotaped, depicted on computer or filmed. Any person who knowingly photographs, videotapes, depicts on computer or films a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such an act is guilty of a felony of the second degree.
  - (b) Dissemination of photographs, videotapes, computer depictions and films:
    - (1) Any person who knowingly sells, distributes, delivers, disseminates, transfers, displays or exhibits to others, or who possesses for the purpose of sale, distribution, delivery, dissemination, transfer, display or exhibition to others, any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act commits an offense;

- (2) A first offense under this subsection is a felony of the third degree, and a second or subsequent offense under this subsection is a felony of the second degree.
- (c) Possession of child pornography:
  - (1) Any person who knowingly possesses or controls any book, magazine, pamphlet, slide, photograph, film, videotape, computer depiction or other material depicting a child under the age of 18 years engaging in a prohibited sexual act or in the simulation of such act commits an offense;
  - (2) A first offense under this subsection is a felony of the third degree, and a second or subsequent offense under this subsection is a felony of the second degree.

<i>Grading and Sentences</i>	Grade	<u>Longest Possible (months)</u>		OGS
		Minimum	Maximum	
18 § 6312 (c) Sexual abuse/disseminate (2nd/subseq.).....	F-2	60	120	8
18 § 6312 (d) Sexual abuse /possess (2nd/subseq.).....	F-2	60	120	8
18 § 6312 (b) Sexual abuse/photographing, etc. ....	F-2	60	120	7
18 § 6312 (c) Sexual abuse/dissemination, etc. ....	F-3	42	84	6
18 § 6312 (d) Sexual abuse/possess child pornography ....	F-3	42	84	5

Mandatory Minimum Statutes: No Mandatory Statutes Apply

**18 Pa.C.S. § 6318 Unlawful Contact with Minor**

- Offense Defined: A person commits an offense if he is intentionally in contact with a minor for the purpose of engaging in an activity prohibited under any of the following, and either the person initiating the contact or the person being contacted is within this commonwealth:
  - Any of the offenses enumerated in Chapter 31 (relating to sexual offenses);
  - Open lewdness as defined in section 5901 (relating to open lewdness);
  - Prostitution as defined in section 5902 (relating to prostitution and related offenses);
  - Obscene and other sexual materials and performances as defined in section 5903 (relating to obscene and other sexual materials and performances);
  - Sexual abuse of children as defined in section 6312 (relating to sexual abuse of children);
  - Sexual exploitation of children as defined in section 6320 (relating to sexual exploitation of children).

<i>Grading and Sentences</i>		<u>Longest Possible (months)</u>			
		Grade	Minimum	Maximum	OGS
18 § 6318	Unlawful contact with minor ..... (if underlying offense > M-1)	same as underly. offense F-1 F-2 F-3	same as underly. offense 120 60 42	same as underly. offense 240 120 84	same as underly. offense 8 7 5
18 § 6318	Unlawful contact with minor ..... (if underlying offense is M-1 or less)	M-1	30	60	3

Mandatory Minimum Statutes: No Mandatory Statutes Apply

**18 Pa.C.S. § 6320 Sexual Exploitation of Children**

- Offense defined: A person commits the offense of sexual exploitation of children if he procures for another person a child under 18 years of age for the purpose of sexual exploitation.
- 

<i>Grading and Sentences</i>		<u>Longest Possible (months)</u>			
		Grade	Minimum	Maximum	OGS
18 § 6320	Sexual exploitation of children ..... (if underlying offense is M-1 or less)	F-2	60	120	9

Mandatory Minimum Statutes: No Mandatory Statutes Apply

## **Appendix: PA Statutes, Regulations Relevant to Sex Offender Supervision**

Pennsylvania Statutes

Title 18 P.S. Crimes and Offenses

Chapter 2. Crime Victims Act

Purdon's Pennsylvania Statutes and Consolidated Statutes Annotated

Title 23 Pa.C.S.A. Domestic Relations

Part VII. Abuse of Family

Chapter 67. Domestic and Sexual Violence Victims Address Confidentiality

Purdon's Pennsylvania Statutes and Consolidated Statutes Annotated

Title 42 Pa.C.S.A. Judiciary And Judicial Procedure

Part VIII. Criminal Proceedings

Chapter 97. Sentencing

Subchapter H. Registration of Sexual Offenders

Purdon's Pennsylvania Statutes and Consolidated Statutes Annotated

Title 44 Pa.C.S.A. Law and Justice

Part II. Pennsylvania State Police

Chapter 23. DNA Data and Testing

Pennsylvania Statutes

Title 61 P.S. Penal and Correctional Institutions

Pennsylvania Code

Title 37 Law

Part I: Pennsylvania State Police

Chapter 55 Administration of Megan's Law – Neighbor Notification

Chapter 56 Guidelines for Administration of Megan's Law – Statement of Policy

Chapter 58 DNA Detection of Sexual and Violent Offenders

**CHAPTER 3 — VICTIM/WITNESS ASSISTANCE INFORMATION**

## Victim/Witness Assistance Information

Agents should be aware of and refer victims to available local and statewide resources, as necessary. Agents should also be knowledgeable about services to assist in sexual assault case management.

Victim/witness assistance services are available in all 67 Pennsylvania counties. The majority of programs are located in each county district attorneys' offices. However, some district attorneys' offices contract with the county non-profit victim service organization; available services may vary from county to county. An updated list of the victim/witness assistance programs and services in Pennsylvania is available through the ***Pennsylvania Commission on Crime and Delinquency Office of Victims' Services 2006 Referral Handbook***, which can be found at <http://www.pccd.state.pa.us/pccd/lib/pccd/victim/2006referralhandbook.pdf>.

### Services

- Information about the criminal justice system and the rights afforded to victims throughout this process, including those provided under the PA Crime Victims Act; Title 18 P.S. § 11.101;
- Notification of certain significant actions and proceedings within the criminal justice system pertaining to a victim's case;
- Notification of the final outcome of the case;
- Accompaniment to criminal justice proceedings;
- Facilitation of the victim's prior comment on the sentencing decision, as well as the dropping of charges or changing of a plea;
- Assistance with preparing oral and/or written victim impact statements;
- Assistance in determining restitution for financial losses and preparing restitution claim forms;
- Assistance with applying for crime victims compensation;
- Support for the victim's/witness's appearance(s) in court, including assistance with arranging for childcare and a secure waiting area;
- Assistance in the return of personal property confiscated as evidence;
- Referral to other resources, such as social service agencies, sexual assault service providers, and support groups; and
- Provide the victim with information about enrollment with the Office of the Victim Advocate (OVA) for post-sentence notifications and assistance in the completion of OVA registration forms.

### Sexual Assault Service Providers

Pennsylvania has 52 centers that provide sexual assault services in all 67 Pennsylvania counties. Several of these centers provide services to more than one county, so victims who reside in every county have access to services. Most centers provide services to a variety of victims. Dual centers serve victims of sexual assault and domestic violence. Comprehensive

centers serve victims of other violent crimes, such as homicide, robbery, and driving under the influence. Funding from Pennsylvania Coalition Against Rape (PCAR) is restricted to sexual assault services.

Minimally, all centers provide basic services to victims and survivors of sexual violence and their significant others. This includes free and confidential, 24/7 crisis counseling and intervention, prevention education programs to schools and the public, information, and referrals. Advocates from centers are available to accompany victims of sexual violence to the hospital, to other medical facilities, to the police station, and to judicial proceedings. All centers have volunteer opportunities. Many centers also provide additional resources, which are noted on each center's page and can be found at [www.pcar.org/centers/centers1.html](http://www.pcar.org/centers/centers1.html).

The medical and legal systems can be frightening, frustrating, and confusing for sexual assault survivor. It can be intimidating to deal with forensic exams, insurance paperwork, law enforcement, district attorneys, and judicial officials; a victim can feel anxious, uncertain, and incredulous. Meetings with prosecutors can be extremely stressful and court appearances can be overwhelming. The required time and effort it takes for a case to go through the legal system can make a survivor reluctant to pursue the case. The advocate provides the survivor with objective, knowledgeable, and supportive intervention to help them make critical decisions and ensure their rights are upheld.

Services provided include:

- A 24-hour crisis telephone line;
- Legal and medical advocacy;
- Counseling services;
- Support groups;
- Educational programs on professional intervention and community prevention; and
- Information and referral.

Service providers can give referrals to counselors and therapists experienced in working with sexual assault victims/survivors if longer-term therapy is desired by a victim/survivor. An updated list of sexual assault service providers in Pennsylvania is available through the PCAR website: [www.pcar.org/centers/centers1.html](http://www.pcar.org/centers/centers1.html).

### **Pennsylvania Coalition Against Rape**

125 N. Enola Dr., Enola, PA, 17025

Harrisburg area: (717) 728-9740

Email: [stop@pcar.org](mailto:stop@pcar.org)

On the Web: [www.pcar.org](http://www.pcar.org)

The Pennsylvania Coalition Against Rape (PCAR) works at the state and national levels to prevent sexual violence. Incepted in 1975, PCAR continues to challenge public attitudes, raise public awareness, and affect critical changes in public policy, protocols, and responses to sexual violence. PCAR works in concert with its statewide network of 52 rape crisis centers to provide quality services to victims/survivors of sexual violence and their significant others. The

centers also work to create public awareness and establish prevention education in their respective communities.

The PCAR: oversees the rape crisis centers' contracts; monitors relevant legislation and public policy issues; provides library resources and educational training; creates public awareness campaigns; and provides a variety of other technical assistance services.

## **PA Commission on Crime and Delinquency, Office of Victims' Services**

### **Commission Headquarters**

Pennsylvania Commission on Crime and Delinquency  
3101 North Front Street  
Harrisburg, PA 17110

### **Mailing Address**

P.O. Box 1167  
Harrisburg, PA 17108-1167

### **Telephone**

(717) 787-2040  
(800) 692-7292 (Toll-free in Pennsylvania)  
(800) 233-2339 (Victims Compensation)

### **Office of Victims' Services Duties**

- Administers rights and services to Pennsylvania crime victims;
- Administers the Victims Compensation Assistance Program;
- Provides public outreach/statewide education support to victim service professionals; and
- Provides information and assistance to victims, the general public, criminal justice officials, and related professionals regarding crime victims' rights, services and, compensation.

### **Victims' Compensation Assistance Program**

P.O. Box 1167, Harrisburg, PA 17108-1167  
Harrisburg area: (717) 783-5153  
Toll free in PA: (800) 233-2339  
Fax: (717) 787-4306  
On the Web: [www.pccd.state.pa.us](http://www.pccd.state.pa.us)

The Pennsylvania Commission on Crime and Delinquency (PCCD), Office of Victims' Services (OVS) also operates the Victims Compensation Assistance Program (VCAP). VCAP offers financial assistance to eligible victims. Although compensation does not erase the fact that the crime occurred, it can help victims begin the healing and recovery process. Brochures describing the VCAP and application procedures are available for distribution to victims. Agents may obtain these brochures by contacting the Victims' Compensation Assistance Program or via the PCCD website.

**Eligible Expenses**

- Medical expenses;
- Counseling expenses;
- Loss of support for dependants of a homicide victim;
- Loss of earnings;
- Replacement of stolen cash, if the primary source of income is Social Security, pension, retirement, disability, or court-ordered child/spousal support; up to one month's entitlement;
- Relocation expenses;
- Funerals expenses;
- Forensic rape exams; and
- Crime scene cleanup.

Most of the expenses fall under a \$35,000 maximum award cap, and each expense has its own limit within that \$35,000. Counseling, crime scene cleanup, and forensic rape examination expenses are over and above the \$35,000 maximum; each has their own monetary limits.

**Eligibility Requirements (*time-sensitive*)**

- The crime occurred in Pennsylvania or the crime occurred to a Pennsylvania resident who was injured or killed in a foreign country or an act of international terrorism.
- The crime was reported to the proper authorities within three days, a Protection From Abuse Order was filed within three days unless good cause is shown, or the victim is a minor.
- A police officer, firefighter, or individual whose employment includes public protection may be eligible for victims' compensation for injuries suffered from either on or off-duty crime incidents.
- The claim must be filed no later than two years after the discovery of the occurrence of the crime, or not later than two years after the death of the victim or intervener as a result of the crime.
- The claim must be filed no later than two years after the discovery and identification of the murder victim.
- The victim has cooperated with law enforcement, the courts, and the Victims' Compensation Assistance Program.

**PA Office of the Victim Advocate**

**Office of the Victim Advocate**

**PA Board of Probation and Parole**

1101 South Front St., Suite 5200, Harrisburg, PA 17104

Toll free in PA: (800) 563-6399

TDD: (877) 349-1064

Fax: Probation and Parole

(717) 787-0867

Email: ra-ovainfo@state.pa.us

On the Web: [www.ova.state.pa.us](http://www.ova.state.pa.us)

**Office of the Victim Advocate**

**PA Department of Corrections**

P.O. Box 598, Camp Hill, PA 17101

Toll free in PA: (800) 322-4472

TDD: (877) 349-1064

Fax: Department of Corrections

(717) 731-7067

Email: ra-ovainfo@state.pa.us

On the Web: [www.ova.state.pa.us](http://www.ova.state.pa.us)

**Office of the Victim Advocate Services, Duties**

- Represents, protects, and advances the individual and collective rights and interests of crime victims;
- Provides post-sentencing notification to crime victims;
- Can register any crime victim in a case where the sentencing court has ordered jurisdiction of the offender to the Pennsylvania Department of Corrections and/or the Pennsylvania Board of Probation and Parole. This includes:
  - Sentenced offenders who are housed in state correctional institutions;
  - Sentenced offenders who received a state sentence (more than 23 months) and by judicial order, are serving their sentence in the county correctional facility;
  - Sentenced offenders who received a county sentence (less than 23 months) and by judicial order are serving their sentence in a state correctional institution; and
  - Sentenced offenders under the supervision of the Pennsylvania Board of Probation and Parole.
- Notification to crime victims of the potential for inmate release and an opportunity to provide testimony;
- Notification of the inmate's movement within the correctional system;
- Referrals for crime victims to local programs;
- Basic crisis intervention and support;
- General information on the status and location of the inmate as allowed by law, and notification of the expiration of an inmate's maximum sentence;
- Notification of the date of execution, if applicable, as well as preparation of a victim who chooses to witness an execution;
- Provide victims with OVA's registration brochure; and
- Advise victims of their right to receive notification and provide input into specific types of inmate releases. (This must occur after sentencing. The local district attorney is responsible to ensure victims are advised of their right to register with OVA. Eligible victims may also contact OVA directly and complete the online registration form at [www.ova.state.pa.us](http://www.ova.state.pa.us).)

**Eligible Victims**

- Adult victims (18 years of age or older);
- Parents/legal guardians of minor victims;
- Parents/legal guardians with power of attorney for incapacitated adult victims; and
- Family members of homicide victims.

**Victims' Rights in Pre-Release Programs**

Pre-release programs are under the jurisdiction of the PA Department of Corrections (DOC) and involve the release of inmates prior to their minimum sentence and parole. Pre-release programs are established by law and are designed to help the inmate adjust to living in the community with support from DOC staff. Inmates must meet a number of eligibility requirements set by the DOC before they can be considered for a pre-release program. Inmates who participate in pre-release programs remain under the supervision of the DOC.

**Registered Victims' Rights and Parole Release**

Parole release is under the jurisdiction of the PBPP. When approved for parole release, offenders return to the community to continue serving their sentence under the supervision of a PBPP parole agent. In Pennsylvania, offenders are required by law to serve the entire minimum sentence before parole release can occur. (Refer to Registered Victims' Rights, above.)

**Victims' Rights**

- Notification if an inmate applies for a pre-release program;
- Notification of the victim's right to provide input to the inmate release/parole process; and
- Notification of the final decision pertaining to re-release, regardless of whether he/she provides input.

**Victim Input**

There are several ways registered crime victims can submit their testimony or comments under Pennsylvania law, including:

- Written Testimony
  - This can be used when the inmate is being considered for pre-release or parole.
  - Any registered victim can provide hand-written or typed comments. There are no limitations regarding the length or content of this input.
  - When providing written testimony regarding an inmate's review for parole, the registered victim may request the Victim Advocate to petition the PBPP to deny parole and/or set specific conditions of parole.
- Oral Testimony
  - This is available only when the inmate is being considered for parole.
  - This option is provided to crime victims registered with OVA and is typically conducted by a hearing examiner the district office closest to the victim's residence.
  - A hearing examiner is a designee of the PBPP and is trained to take the victim's testimony.
  - This allows the victim to openly discuss the impact the crime has had on him/her and any ongoing effects. Victim testimony is taken via audiotape, which is then summarized, typed, and submitted to the victim for review.

- During oral testimony, the registered victim may request the Victim Advocate to petition the PBPP to deny parole and/or set specific conditions of parole.
- Oral Comments
  - Oral comments can be used when the inmate is being considered for pre-release or parole.
  - A registered victim can contact OVA and provide their comments directly to a Victim Assistance coordinator over the phone. The testimony provided will be summarized by the Victim Assistance coordinator and reviewed by a supervisor.
  - If an interpreter is needed, the Victim Assistance coordinator will access the AT&T Language Line. The registered victim may request the Victim Advocate to petition the PBPP to deny parole and/or set specific conditions of parole when providing oral comments regarding an inmate's review.
- “Just For Kids”
  - OVA offers a “Just for Kids” input form. This is a child-friendly worksheet for registered parents or guardians who wish to provide the minor victim or family member with the opportunity to provide input. The worksheet asks a few simple questions and allows children to express themselves in writing or through drawings. The worksheet can be printed directly from the OVA website.
  - Just for Kids be used when the inmate is being considered for pre-release or parole.
- Videotaped Testimony
  - This be used when the inmate is being considered for pre-release or parole.
  - A registered victim can videotape their testimony and send it directly to the OVA. Once the testimony is received, it is transferred to a DVD and provided to the decision makers for their review, prior to any final decision.
  - The Office of the Victim Advocate offers several alternate formats for registered victims to provide input, including:
    - AT&T Language Line – Used to better assist any Non-English speaking callers who may wish to use an interpreter;
    - Telecommunications Device – Staff can utilize the TDD equipment to assist victims who are deaf, hard of hearing, deaf-blind, and/or speech impaired;
    - Pennsylvania Relay Services – Victims who are deaf, hard of hearing, deaf-blind, and/or speech impaired and who reside in Pennsylvania may access this service directly by dialing 711; and
    - Large print/Audio Materials – Materials are available in larger print and a variety of our brochures/guidelines are available on audiocassette.

## Address Confidentiality Program

Toll free in PA :(800) 563-6399  
Email: ra-ovainfo@state.pa.us  
On the Web: www.paacp.state.pa.us

The Address Confidentiality Program (ACP) is administered by the Office of the Victim Advocate (OVA) and provides an important service to victims of domestic violence, sexual assault, or stalking. The program has two basic parts: the ACP provides a substitute address for victims who have moved to a new location unknown to their perpetrator; it also provides participants with a free, first-class, confidential mail forwarding service.

The ACP is one small piece of an overall safety plan. By itself, the ACP cannot keep a person safe, but when combined with other safety strategies, it can help a victim start a new life. This program is only effective if the victim has recently moved and the perpetrator does not know the new address. The use of a substitute address will not protect the victim from being found if he/she creates government records that document where they live. A victim must live in a confidential location for the ACP substitute address to be most effective.

State and local agencies are required by law to use the substitute address provided on the ACP identification card. If an agency has questions about the use of the substitute address, the ACP should be contacted; the number is on the back of all ACP identification cards. Enrollment is effective for three years, unless otherwise cancelled by the participant or ACP before the expiration date.

The ACP is not for everyone. A victim service professional from a domestic violence, sexual assault, or a victim service program can help determine if ACP is right for a victim.

### **Application to Participate**

Victims do not apply directly to the ACP. Rather, the application process involves a meeting with a victim service professional at a local domestic violence, sexual assault, or victim service program in Pennsylvania. The victim service professional's role is to: help the victim determine if ACP should be a part of the victim's overall safety plan; explain the program services and the victim's responsibilities; and assist with the completion of the application materials. The victim mails the completed application to the ACP.

### **Address Disclosure**

Once enrolled in the ACP, Act 188 of 2004 Title 23 Pa, C.S.A. §6703 mandates that a participant's address remains confidential. Only under special circumstances can a participant's actual address be disclosed, including:

- If an agency requesting a waiver applies to ACP to release a participant's actual address;
- If disclosure is made pursuant to a court order;
- If there is an extreme emergency where a participant and/or family members are endangered; and

- If law enforcement is investigating a participant.

A state and local government agency may request a waiver for a participant's real address in those instances when the agency has an administrative need for the actual address and cannot meet its statutory or administrative obligations without disclosure of the participant's actual address.

**CHAPTER 4 — PENNSYLVANIA DATA**

## Overview

In November 2004, Dr. Barbara Sims was contracted to work with the Pennsylvania Sex Offenders Management Team (PA-SOMT) in their effort to identify the current nature of sex offender supervision, management, assessment, and treatment across the Commonwealth. Through a grant from the Bureau of Justice Assistance (BJA), the PA-SOMT was formed and consists of individuals from several criminal justice or governmental agencies (PA Governor's Policy Office, Sex Offender Assessment Board, PA Department of Corrections, PA State Police, Adult and Juvenile Probation, PA Probation and Parole, PA Department of Public Welfare, PA Coalition Against Rape, and members from the sex offender treatment community).

Several sub-committees were formed under the auspices of the PA-SOMT: (1) Investigation, Registration, and Notification; (2) Assessment and Treatment; (3) Juvenile Supervision and Treatment; (4) Adult Supervision and Treatment; and (5) Prosecution and Disposition. One of the major tasks of sub-committees formed under the PA-SOMT was to conduct a review of the Comprehensive Assessment Protocol (CAP) of Sex Offender Management Best Practices as developed by the Center for Sex Offender Management (CSOM).<sup>1</sup> Chairs of the five committees recognized gaps in their knowledge in several key areas when it comes to supervising, managing and treating sex offenders across the Commonwealth. In order to fill in those gaps, Dr. Sims and her Graduate Assistants, Ginger Hogg and Amy Reap, were charged with conducting surveys of eight populations: (1) local police departments; (2) county prison wardens; (3) chief juvenile probation officers; (4) chief adult probation officers; (5) county district attorneys; (6) sex offender treatment providers within the DOC; (7) sex offender treatment providers within local communities; and, (8) victim services providers. The population size, number of respondents, and the response rate for each group is reported in Table 1.1.

The County Prison Warden Survey was mailed on May 18, 2005 with a cover letter from Doug Hill, Executive Director of the County Commissioners Association of Pennsylvania. Along with reminder e-mails sent to the county wardens from Doug Hill and Dustin Rhoads from the Pennsylvania Commission on Crime and Delinquency, the research assistant completed 12 to 15 reminder phone calls and sent approximately 10 reminder e-mails to those counties that did not respond. In February 2006 a second mailing went out to those counties that had not yet responded. As of May 2006, 46 of the 67 counties (69%) completed the survey.

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<sup>1</sup> CSOM staff work as liaisons between BJA funded locations and BJA. The CAP is used to allow these different entities a first opportunity to identify gaps in the supervision, management, and treatment of sex offenders across a given state, county, or other geographical unit within the U.S.

**Table 1.1**  
**Pennsylvania Sex Offender Management Team**  
**Final Survey Data**

<b>Pennsylvania Survey Population</b>	<b>Date Survey Mailed</b>	<b># of Recipients</b>	<b># of Respondents</b>	<b>Response Rate</b>
County Prison Wardens	5/18/2005	67	46	69%
DOC Treatment Providers	6/14/2005	25	24	96%
Juvenile Probation Chiefs	6/03/2005	67	61	91%
Police Departments	8/04/2005	1151	338	29%
Adult Probation Chiefs	8/18/2005	67	61	91%
Treatment Providers	08/2005 and 09/2005	150+	43	Approx. 29%
District Attorneys	09/16/2005	67	29	43%
Victim Services Providers	12/2005	52	37	71%

The Department of Corrections Treatment Provider Survey was e-mailed by Sandy Wolfgang, of the DOC, to the Licensed Psychologist Managers at the 25 state facilities that treat sex offenders on June 14, 2005. A total of 24 surveys (96%) were completed and returned.

The Juvenile Probation Chief Survey was mailed by Keith Snyder of the Juvenile Court Judges' Commission on June 3, 2005. Of the 67 surveys mailed, 61 (91%) were completed and returned.

The Police Department Survey was mailed out on August 4, 2005 to 1209 departments. The department list that we used was borrowed from Dr. Jim Ruiz of Penn State University who has collected the addresses over time of every department in the state. We received 58 returned mailings due to police department disbandment or bad addresses. Our revised total is 1151 surveys mailed. We received completed surveys from 338 departments (29%).

The Adult Probation Chief Survey was mailed on August 18, 2005 with a cover letter from Diane Dombach, Executive Director of the Sexual Offenders Assessment Board. A second mailing was sent out to those counties that had not responded as of February 2006. As of May 2006, 61 counties (91%) had responded to the survey.

The Treatment Provider Survey was mailed to recipients between mid-August, 2005 and late-September, 2005. A list of sex offender treatment providers was created through the collection of names and addresses from the ATSA membership list, a DOC-provided list and from the County MH/MR/D&A Administrator Survey. Additionally, Robbie Altenor e-mailed the survey to each of the State Hospitals. The total number of surveys mailed out is more than 150. A total of 43 surveys (approx. 29%) were received from respondents. Two surveys were also received from two State Hospitals (Mayview and Clarks Summit) who reported that they do not treat sex offenders. We did not include their information in our survey data.

The District Attorney Survey was mailed on September 16, 2005 with a cover letter from Mary Jo Mullen, Executive Director of the Pennsylvania District Attorneys Association. She later e-mailed a reminder to Pennsylvania DAs about the survey. Of the 67 surveys mailed, 29 (43%) were completed and returned.

The Victim Services Provider Survey, sponsored by the Pennsylvania Coalition Against Rape was mailed in December 2006 with a cover letter from Joyce Lukima, Training and Technical Assistant Director. Joyce Lukima sent out a reminder e-mail in May, 2006. As of May 2006, 34 providers (71%) completed and returned the survey.

Copies of the questionnaires used for each of these populations can be found in the study's technical compendium along with the cover letter that accompanied them and the informed consent form that was also included so that individuals contacted would better understand their rights as a participant in a study of this sort. For copies of the technical compendium, please contact Dr. Barbara Sims at either [bas4@psu.edu](mailto:bas4@psu.edu) or (717) 948-6044.

The findings from these eight surveys are included in this report. Any questions about these findings should be directed to Dr. Sims.

## Findings from the Survey of Local Police Departments

Agencies reported a range of total civilian and sworn staff of 1 to 263, with a mean of 20.18. When it comes to number of sworn personnel only, agencies reported a range of 1-209 with a mean of 17. For sworn personnel, agencies reported a mean of 13 for full-time officers (Range = 1 – 209) and 3.5 part-time officers (Range = 1 – 35). Approximately 76 percent of departments report giving full-time coverage to their local communities with 24% saying that the PA State Police give some partial coverage of their local area(s).

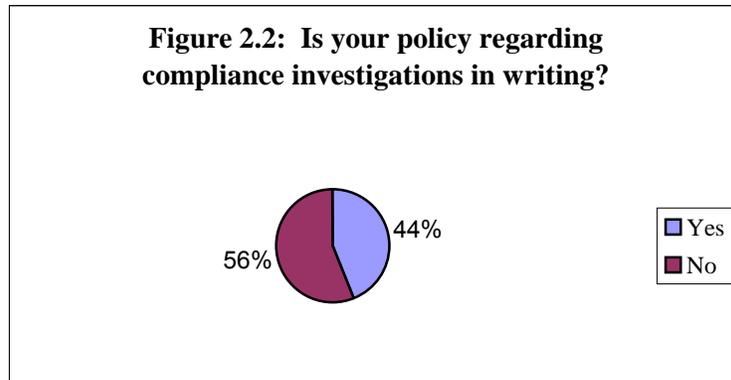
As shown in Figure 2.1, 91 percent of departments reported that they do not have a policy related to compliance investigations of registered sex offenders. Only nine percent of respondents appear to have a policy for sex offender compliance investigations.



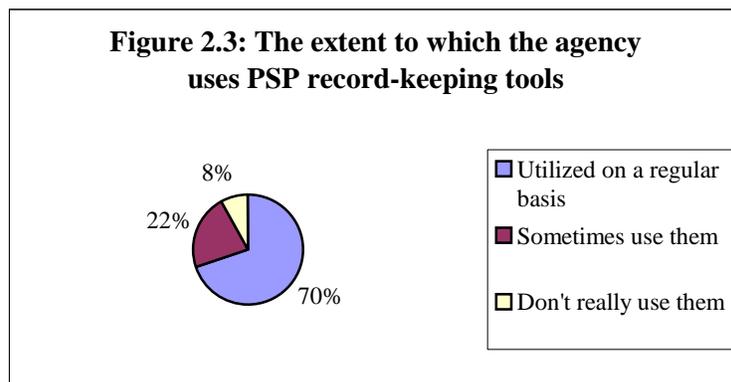
For those departments who reported having a compliance investigation policy in place, the following descriptions were given when respondents were asked to elaborate on their department's policy:

- 26 departments stated something like, "Once information is received from PSP, we investigate."
- 5 departments responded, "PSP handles this," or "Not within our scope."
- 4 departments are currently developing these policies.
- 7 departments responded that their policies follow the State's policy and PSP guidelines.
- 7 departments responded that they refer cases to PSP or contact PSP with questions.

For those departments who reported having a compliance investigation policy, and as shown in Figure 2.2, a little over half (56%) reported that the policy is not in writing.



When asked about the extent to which their department makes use of the Pennsylvania State Police's record keeping tools, 70 percent of respondents said that such tools are used on a "regular basis." Twenty-two percent reported that PSP's record keeping tools are used "sometimes" and eight percent said that they "don't really use them (see Figure 2.3).



### **Extent/Nature of Dedicated Sex Offender Unit or Registration/Notification Purposes**

Respondents were next asked a series of questions about whether their departments had a dedicated sex offender unit and the nature of those units if, in fact, one was in existence. Table 2.1 summarizes responses to this series of questions. Only 21 departments (6%) reported having a sex offender unit for registration and notification purposes. Twenty departments said that their unit handles community notification; 17 departments reported that the unit verifies registration; 18 departments said that the unit handles address verification; 15 departments reported that the sex offender unit handles the filing of charges; and, 19 departments said that the sex offender unit handles sex offender investigations and charges.

**Table 2.1**  
**Extent and Nature of Dedicated Sex Offender Unit or Registration**  
**and Notification Purposes**

<i>Question: Do you have a sex offender unit for registration and notification purposes?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	21	6
No	315	94

<i>Question: If yes, does this unit handle community notification?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	20	99
No	--	

<i>Question: If yes, does this unit verification of registration?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	17	85
No	3	15

<i>Question: If yes, does this unit handle address verification?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	18	90
No	2	10

<i>Question: If yes, does this unit handle filing charges?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	15	79
No	4	21

<i>Question: If yes, does this unit handle sex offender investigations and charges?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	19	95
No	1	5

### **Sex Offenders Accountability for Failure to Register**

As shown in Table 2.2, 73 percent of departments who responded to the survey said that sex offenders are accountable for failure to register. It is interesting to note, however, that 79 departments (27%) responded “no” to that question.

When asked about the department’s policy related to charging sex offenders who do fail to register, and again as shown in Table 2.2, a little over two-thirds of departments (68%; 206 departments) replied “no.”

**Table 2.2**  
**Sex Offenders Accountability for Failure to Register**

<i>Question: Are sex offenders accountable for failure to register?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	215	73
No	79	27

<i>Question: Does the police department charge sex offenders for failure to register?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	96	32
No	206	68

When it comes to the addresses of sex offenders, 71 percent (232 agencies) reported that they keep a history of those addresses. Only eight percent (26) agencies, however, reported that their department has a policy for address verification investigations. Nine of those agencies noted that their policy on keeping up with the addresses of sex offenders is in writing. The comments about such policies are as follows:

- We investigate all Megan’s Law violations.
- When notified by PSP, we conduct an investigation.
- Yes, I check or would have it done.

### **Information on CLEAN Messages**

Several questions were included in the questionnaire that asked departments about how they use CLEAN messages. Those comments are summarized below:

- 175 departments reported that they retain hard copies of the CLEAN Messages, which are either kept in a Sex Offender File, 3-Ring Binder, Clipboard or posted on a bulletin board for all officers to read.
- 22 departments reported that they record information from CLEAN Messages in their computerized Records Management System.
- 9 departments reported that they create an Incident Report to record information from a CLEAN Message.

### **How Long They Keep Clean Messages**

- 30 departments reported they keep these messages “forever” or “indefinitely.”
- 23 departments reported they keep these messages as long as the offender lives in their jurisdiction or until the offender moves.
- 13 departments reported they have no set time or an unknown length of time.
- 12 departments reported “as long as needed” or “as long as active.”
- 12 departments reported “until they are told to purge” or “until expired/cancelled.”
- 8 departments reported keeping messages for less than or equal to 1 year.
- 5 departments reported keeping messages for 2 to 3 years.
- 4 departments reported keeping messages for 5 years.
- 3 departments reported keeping messages for 7 years.
- 1 department reported keeping messages for 10 years.
- 1 department reported keeping messages for 20 years.

### **How Clean Information Is Used**

- 106 departments reported using CLEAN messages for officer awareness, intelligence, and reference purposes.
- 23 departments reported using CLEAN messages for investigative/prosecution purposes.
- 19 departments reported using CLEAN messages for the monitoring and tracking of sex offenders.
- “Each officer required to drive by house and area during patrol.”
- “I check on drive-bys.”
- “Location of sex offenders (increased patrols).”

### **Community Education Programming**

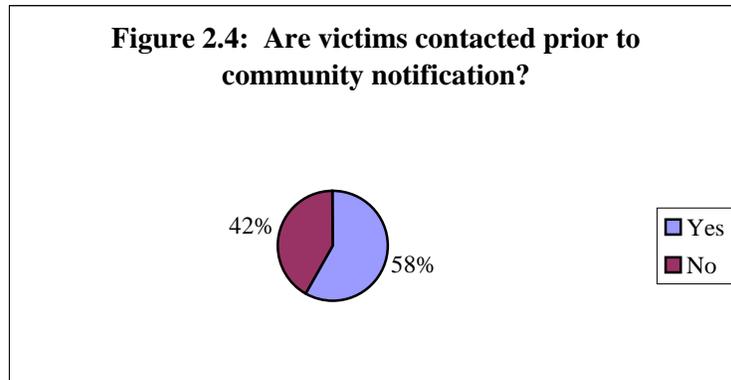
When asked about the extent to which local departments believe that local citizens are aware of sex offender treatment and management practices within their jurisdictions, 12 percent (N = 40) of agencies reported that they thought this to be true. Approximately seven percent of agencies (23) reported that they engage in public education efforts in this regard. A summary of those efforts are reported below:

- 8 departments reported answering citizen’s questions, phone calls, and other voiced concerns.
- 4 departments reported working with Neighborhood Crime Watch and Prevention Programs.
- 4 departments reported informing neighbors of sex offenders and entire neighborhoods.
- 3 departments reported providing community meetings and presentations.

### **Victim Contact Prior to Community Notification**

Local departments were asked whether victims of registered sex offenders were contacted prior to community notification. As indicated in Figure 2.4, over half (58%) of departments responded

“yes” to that question. Forty-two percent of departments, however, said that they do not contact victims prior to community notification.



Approximately 74 percent of agencies said that they would be willing to participate in a future symposium and 95 percent said that they would be willing to participate in further communications with the research staff or members of the PA Sex Offenders Management Team about their local practices.

### **Responses to the Open Ended Comments Question of the Survey**

A = Q21 = Additional Comments; Please tell us if there is any additional information about how your agency deals with sex offender registration and notification that would help us better understand how this critical issue is handled within your jurisdiction.

B = Q22 = We would like to know if, based on your agency’s experience, you could make suggestions for improvements in how we manage and supervise sex offenders within the Commonwealth. If you have some suggestions, please feel free to list them below.

#### **Manheim Borough Police Department: #1**

B. The local police department is supposed to let the Megan’s law people know if an offender has moved. However, we do not receive information when they learn that an offender has moved from our jurisdiction. Also, we have limited manpower resources for conducting investigations on Megan’s Law offenders – wasn’t this supposed to be the responsibility of the Megan’s Law division with PSP?

#### **Lititz Police Department: #2**

B. Quicker notification of a sex offender in our community.

#### **Tatamy Borough Police Department: #4**

A. We have no exposure to date. PSP takes all info. Info sheet given to our department when offender is processed by State Police. We have a small department with around 1000 citizens. Should we have any other procedures in place for our department??

**Colonial Regional Police Department: #7**

B. I believe that the public should be made aware of all offenders.

**Lawrence Township Police Department: #9**

B. Mail departments new information when it becomes present.

**Annville Township Police Department: #11**

A. We rely solely on PSP and their website. This is embarrassing as I have 2 elementary schools, high school and Lebanon Valley College. I need help.

B. Training, Awareness

**Kidder Township Police Department: #16**

A. Kidder Township is a resort community with a permanent population of 1800. We have no registered sex offenders in our community. One registrant is employed in the township.

**Penn College Police Department: #18**

A. We have never been given direct notification about sex offenders. When a sex offender moves into the neighborhood of our College, the information goes to the City Police and we are not notified. Very frustrating.

B. If a sex offender moves into a community, the Colleges in that community should be notified as well.

**Ashland Police Department: #19**

A. In reference to question Q10 – Are sex offenders within your jurisdiction held accountable for their failure to register? Unknown, When State Police get information to us on sex offenders for the first time – we know they are in our jurisdiction. That would be their registration.

**West Manheim Township Police Department: #23**

A. Total effort with PSP in only two such incidents that I am aware of.

B. I realize this is a difficult task with so many offenders, but how about an annual status report on offenders in our jurisdiction or general area?

**Elizabethtown Police Department: #24**

A. We make community notifications after we have received info from the State Police, as required.

B. Make timely notification when a “community notification” offender has moved into our jurisdiction. Offenders have moved in and lived her for many months before local police are notified to make a community notification. Sort of defeats the purpose!

**Ringtown Police Department (Schuylkill County): #26**

A. This part-time agency experiences frequent personnel changes. While we have improved our filing system, it would be a benefit to obtain: Notification; Rap Sheet; Agency (Where

Determining Offense Occurred) P.O.C.; Restrictions on Offender; Recent (Probationary) Photos; M.O. of Offending Behavior.

B. Have not encountered difficulties.

**Youngsville Borough Police Department: #32**

B. We would like to know when offenders move into our town. We are a small town of 1900 and we rarely (word???) sex offenders. However, there is a case or two that they have moved here and left before we ever knew it.

**Clay Township Police Department: #34**

A. It is very difficult to keep up with sex offender registration when you have minimal staffing.

**Gilpin Township Police Department: #35**

A. All offenders are handled by parole or PSP on county or state level. I would like to have more help and information on being involved for the department's knowledge.

**McKees Rocks Police Department: #36**

B. We do not have a lot of sex offenders whose crimes originated in our jurisdiction, but we do have a disproportionate number of sex offenders who once they get out of prison, come live in our jurisdiction. There should be a system n place to disallow too many sex offenders from living in one jurisdiction. (Based on population of community or number of already-registered sex offenders within that jurisdiction.)

**Castle Shannon Police Department: #39**

A. We have a very good website. It has many choices. The Megan's Law offender search is listed on the main screen. (Castle Shannon Borough)

B. Monthly Up-to-Date Bulletins.

**Lawrenceville Police Department: #45**

A. We have only had one known registered sex offender and he moved.

**Northampton Borough Police Department: #46**

A. Most sex offender management is handled primarily by the State Police.

**Center Township Police Department: #48**

A. All cases I have received from PSP have not been community notification, but for police department only – not for public.

B. A regular updated database for Center Township, and whether or not they are in compliance with their registration.

**Latlin Borough Police Department: #50**

A. Our department has never dealt with sex offender registration or notification.

**Upper Allen Township Police Department: #51**

B. Physically verify their residence location on a regular basis if it's not already been done.

**Parkensburg Borough Police Department: #56**

A. We need more timely notifications.

B. Strict enforcement on registrations and better verification updates on offender addresses.

**Lower Southampton Township Police Department: #59**

A. When we receive a notice from the State Police, we follow the directions that they place on the form.

**Somerset Borough Police Department: #60**

A. Our agency has only dealt with two community notifications since the inception of Megan's Law in Pennsylvania. Our responses should be considered in light of that.

B. In our limited experience, we have found that the notification process by PSP is more than adequate and helpful, as is the PSP/Megan's Law Website. The community notification process is very time-consuming and laborious, but absolutely necessary.

**Mercer Borough Police Department: #62**

B. More information needs to be shared by Police Departments and Probation Offices on whether the probation officer is keeping accurate track of a sex offender.

**Huntingdon Police Department: #65**

A. We have only had one case and there was a question if this person's property (address) was in the borough or township and if PSP handled the notifications.

**Solebury Township Police Department: #68**

A. We only make public notification when required under Act. All other questions are referred to PSP Website, Megan's Law section. We do not confirm anything on any person if it is a Police Notification only.

**Upper Moreland Township Police Department: #73**

Letter Attached: Ms. Sims, I have completed the survey, which is attached. As supervisor of detectives for my agency, I am very aware of the importance of this subject area. I am also very sensitive since a member of my family was the victim of a sexual offender. If there is anything I could do to help with your project, please let me know. Det/Sgt Rick Tidwell

**Northwest Lawrence Regional Police Dept (formerly Pulaski Twp Police Dept): #74**

A. Lawrence County has a Victim/Witness Advocate office within the DA's office that we rely on to handle most of the issues associated with sex offenders.

**Etna Borough Police Department: #76**

A. I believe the State Police, who register the offender, should be more involved.

**Nanticoke City Police Department: #78**

A. Most of our contacts are re-active. The Luzerne Count District Attorneys, Victim's Unit has various policies in place with notification with victims.

**Corry City Police Department: #79**

B. I think the local law enforcement agencies should handle registration of offenders within their jurisdiction not PSP stations.

**Riverside Police Department: #84**

A. We are a small community and we do have one sex offender living here at the present time. It is important that we receive paperwork on offenders and their movement. We have limited available resources other than the info we receive via mail.

**Moore Township Police Department: #88**

A. We only know someone is convicted “outside” the Township by another agency, when PSP send us the notification. We may read about it in the news! When we convict our personnel are fully aware. Notifications are only made with PSP approval or District Attorney.

B. As per my viewing of Fox News “O’Reilly Factor” our laws governing abuse or victimization of juveniles is very, very weak. Our penalty for juvenile victimization needs to be made tougher. I have also been in the system for 35 years and know our laws and they need review and updating. The same for adult victims, they too need protection/justice. Presently, I believe our notification and that of neighbors of the actor(s) needs updating. I have yet to notify a resident of a convicted sex offender.

**(Unknown Police Department): #90**

A. We would follow the lead of PSP, the DA’s Office, etc. if and when offenders move into our jurisdiction.

B. I think that in-service training, possibly through MPO, etc. or via the distribution of info by PSP would be helpful to educate local PDs about sex offender registration issues. It is lacking at this time.

**Borough of Shippensburg Police Department: #94**

B. Attached Letter: I, (Eric S. Varner) made an arrest on the subject who had violated Megan’s Law. The section violated was the change of address and the subject was charged with the appropriate section. After investigating this I was disturbed with what I found. I was conducting an investigation into unrelated incident in September of 2004 when I ran the subject through CLEAN/NCIC and learned he was a registered lifetime sex offender. There was an outstanding warrant from a probation department for unpaid fines. According to the probation department the subject moved and left no forwarding address. I made contact with Megan’s Law Unit (who were very helpful) and learned that a letter was sent to the subject on May 27, 2004 but was returned because it was not deliverable as addressed. Once PSP received the letter back PSP in turn sent a letter to a local police department to follow up and start an investigation. The unit never heard back from that local PD.

After speaking to that local PD I referred to another local PD then to a federal police agency and no one knew anything about this subject being registered as a sex offender or even in violation.

It appears that one of the local PD’s dropped the ball but I am not here to assign blame. This kind of conduct cannot continue with what is happening around the county today. As I type this, this same subject has violated the SAME law again. PSP did their job by sending us a letter to follow up. I conducted the investigation and am trying to locate the subject. To this date he has not been located but I do have a warrant for his arrest. The system needs to have better accountability of the offenders and even a local database that the joining agencies can work together to keep track of the offenders.

**Newport Borough Police Department: #95**

A. Most of the duties related to your questionnaire are handled by the PA State Police.

**Spring Garden Township Police Department: #97**

A. When we receive the notifications from PSP we disseminate the information and picture to all our sworn officers during daily line up. We also create an incident report in our records management system so that any inquiries concerning the specific name would be identified. The third thing we do is maintain a separate offender file with the information in it.

B. My understanding is that there are holes in the reporting system used to track the addresses of offenders required to report. I've been told that some offenders are tracked by letters sent to supposed addresses. The offender is then supposed to complete the form and return it. This apparently allows for long periods of time before actual violations or no-reported changes of address or employment are discovered. I've also heard that this allows for false reporting of addresses as long as the offender maintains contact with the address where the form is mailed.

We would be interested in seeing any sample policies available concerning tracking sex offenders in local jurisdictions.

**East Conemaugh Police Department: #101**

B. We should be aware at all times when one moves into the borough and what sex crimes they committed.

**Northeast Regional Police Department: #105**

A. We are a small department and rely on your address verification procedures. Your unit contacts us if they don't get a response and we investigate why.

B. Let us know after you get your paperwork back from the offender confirming their address. Otherwise we'd never know they moved or that the address is still correct.

**Lansford Police Department: #107**

A. We are NOT informed properly, if at all, regarding sex offenders in our town! Most info is obtained over the Internet.

B. Have PSP report all sex offenders in and out of municipalities.

**Bally Borough Police Department: #109**

B. We would like a model policy and procedure if available.

**Hatboro Police Department: #111**

A. This department has never had to deal with a community notification offender.

**Collegeville Borough Police Department: #112**

A. Letter Attached: Dr. Barbara Sims: I completed the PA Sex Offender Management Team Survey of Local Law Enforcement Agencies and I would like to explain my answers. I have been Chief of Police in Collegeville Borough for the past 5 years. In that time period I have not been notified of any sex offenders moving into Collegeville Borough. I have received numerous letters advising me that a sex offender is moving into the Collegeville area, but not in Collegeville Borough. Collegeville Borough is only 1.6 square miles. The Collegeville mailing address is approximately 26 square miles and includes residences in Trappe Borough, Lower Providence Township, Perkiomen Township, Skippack Township and Upper Providence Township.

I often receive mail by mistake because people are not sure of the boundaries and believe that the Collegeville Police Department has jurisdiction over anyone with a Collegeville mailing address. When I receive information that a sex offender is moving into an area close to Collegeville Borough, I disseminate the paperwork to my Officers so that they are aware. I also contact the Police Department that has jurisdiction where the offender is residing to ensure that they also received a copy of the same letter. Any registration, victim notification and community notification would be done by the Police Department that has jurisdiction where offender resides.

Most of my answers to the survey are “no”, only because I have never been notified that a sex offender is living in Collegeville Borough. If we do receive notification I will ensure that all the proper notifications are made and all offenders will be held accountable for failing to register and verifying their address.

Please contact me if you have any questions. Sincerely, Barton K. Bucher

**Nazareth Borough Police Department: #117**

A. We do not get many, but would like to be familiar with how to deal with them properly.

**Fox Chapel Borough Police Department: #123**

A. “No” responses are due to no sexual offenders have been arrested within Fox Chapel. We would comply with all “Megan’s Law” requirements if sex offender moved into Fox Chapel.

**Shippingport Borough Police Department: #124**

A. We are a small community of 220 residents and to my knowledge we have no sex offenders at this time.

**Charleroi Police Department: #126**

A. Mostly from posters / and investigation we make / information from PSP.

B. Most departments have Internet systems and I feel all police agencies should be notified about sex offenders. Keep education our young children/ and the parents as well. We can never learn too much.

**Tunkhannock Borough Police Department: #131**

A. We are a smaller department and have only two notification related incidents in the last 3 years.

**Brandywine Regional Police Department: #138**

B. To notify local departments when sexual offenders are paroled or released into their jurisdictions, even though they may have been convicted prior to Megan's Law Act!

**Baldwin Borough Police Department: #140**

B. We found that the PSP was notifying the City of Pittsburgh for all offenders with a "city mailing address." Most of Allegheny County has a city address. We were not getting the alerts.

**Olyphant Police Department: #147**

A. Our department will act on the request from State Police. Arrest, notification or any other request.

**Allegheny County Sheriff's Office: #149**

A. The Allegheny County Sheriff's Office does not answer 911 calls for service. Local police departments in Allegheny County would handle sex offender information within their jurisdictions.

**Salem Township Police Department: #151**

A. We receive very little information on sex offenders in our area. We check on the Megan's Law section of the PA State Police web page to learn of offenders in our area (very limited information).

**Beaver County DA's Office – Detective Bureau: #156**

B. Have PSP be held responsible.

**Horsham Township Police Department: #157**

A. We do not have a detailed policy in relation to violent sex offenders.

**Royalton Borough Police Department: #158**

A. At this point we are not aware of anyone living in our area. Any additional information would be appreciated. All of our 7 part-time officers have full-time police jobs in other jurisdictions.

B. Unfortunately, not being directly involved with any known sex offenders in our borough, I would have to say I have no suggestions at this time.

**North Fayette Township Police Department: #159**

A. The real problem exists with the state. No one verifies when offender registers that said address exists or if offender is in fact residing there. Upon notification, we NOW attempt to verify offender is in fact at said address. On occasions the actor falsely filled out form and PSP never verified. Now it's our problem according to PSP – Why?

B. 1) Yes – as stated above, in addition need a witness or attest to said residence when they register.

2) Modify Megan's Law website – offenders are listed with regard to a city/town they reside in, should be listed according to municipality they reside in. A municipality may have a dozen towns with one side of street being a different town than the other side.

3) When an offender fails to reregister and the local municipality verifies he/she "skipped." Needs to be policy that PSP-Megan's Law division immediately places in NCIC a warrant for his arrest. Prosecution needs to be followed by a specific state (PSP) agency!

**Hawley Police Department: #163**

A. They usually go to State Police.

B. We would like more information or pamphlets to hand out to public to make them aware.

**Lower Saucon Township Police Department: #165**

A. We are currently working toward accreditation by the Pennsylvania Law Enforcement Accreditation Commission. There are requirements for notification of sexually violent predators.

**Strasburg Borough Police Department: #166**

B. Ensure that department that is prosecutor of individual is notified of predator before media. This has happened, predator in paper before I could contact victim.

**Reading City Police Department: #170**

A. We follow the rules and guidelines set forth by the Penna. State Police. Notifications: Our department utilizes community police officers and bicycle officers to complete community notifications of sexual predators.

**Lower Windsor Township Police Department: #171**

A. The State Police "should" be the ones who monitor addresses. Verification of addresses is the responsibility of the State Police.

B. Too many to list here. The Megan's Law rules are very confusing.

**Southern Regional Police Department (Lancaster County): #172**

A. PSP does all notification to us when an offender moves into the area. We confirm his address and keep tabs on him.

B. The notification time from the offenders release from custody and relocation takes too long. I see a 3-4 week delay in our agency getting the info on a sex offender.

**Harrisburg Bureau of Police: #182**

A. Besides maintaining a book of all fliers in CID, the Comm. Center maintains a duplicate and the OIC/SRO (School Resource Officers) is provided a duplicate of all fliers.

B. As the detective assigned the Megan's Law Unit, I have yet to attend any training on the subject. I would greatly appreciate any info on training offered. I have had Megan's Law since Feb. 2005. Thank you for your time and consideration on this matter. Det. Rodney Shoemaker

**Donegal Township Police Department: #183**

Attached Letter: I have been with the Donegal Police for ten years, during which time our department has not had to address the issue of registering sexual offenders. I check the State Police website regularly to determine if any offender has moved into our jurisdiction. It is my belief that rural departments providing uniformity in the manner in which this issue is addressed. Our department generally attends and is aware of any free training, I personally have yet to see any training in this area. The policy along with training would assist in assuring that sexual offenders are complying in rural communities. Unfortunately I believe that this area is not being addressed in rural areas primarily because of the limited number of offenders that live in rural communities. That is not to say that offenders do not live in rural communities but only that the population is so sparse in rural communities that you may only have one offender per 5 or 6 communities. In closing, I have very limited knowledge/training in the area of registering sexual offenders; I would be interested in any additional information or training. Chief Ethan Ward

**Middletown Township Police Department: #184**

B. 1) Suggest a local PSP representative to handle registration violations/or liaison with us.  
2) Special designation on driver's licenses to identify offenders.

**Westfield Borough Police Department: #185**

A. Receive very little info. Megan's Law is too confusing as to too many levels.

B. Need to modify Megan's Law. Reduce number of levels. Make convictions from one state to another more compatible for listing. Need to notify law enforcement per county as to placement, not just law enforcement where perpetrator moved. Rural areas cause perpetrators to travel too freely into many law enforcement jurisdictions that don't know.

**Lehighon Borough Police Department: #189**

A. I do not recall getting any information on registered sex offenders within our jurisdiction.

**West View Police Department: #190**

A. We have had very little dealings with sex offenders moving into our community. None have required community notification so far. The remainder are posted for police information.

**Upper Providence Township Police Department: #191**

A. Not applicable to date. There is only one person from this jurisdiction in the database. The offender's information and charges do not require community notification.

B. Periodic notifications regarding the offender's status would be helpful. (i.e. change of employment, reporting status, etc.)

**Cumberland County Office of the District Attorney – CID: #193**

B. The District Attorney of each county should receive a notification and/or listing of every registered sex offender for the applicable county. I would certainly implement policy regarding address compliance.

**Swarthmore Police Department: #194**

A. We have three Megan's Law registrations. We respond to correspondence from PA State Police.

B. We have had a very limited experience.

**Phoenixville Police Department: #195**

B. Proof of service (certified mail) to the registered offenders home for annual certification. We had an offender whose letter was mailed to a rooming house and he claimed he did not receive it. The assessment/enrollment forms state the responsibility is on the offender, but the courts still like the "certified letter." It's more close-ended.

**Whitpain Township Police Department: #196**

A. We run checks on municipalities that are in close proximity to our township in which a predator might have reason to access through our township for work or other reasons.

B. It is imperative that the area in which the predator works is notified of his presence via the police department. Especially with all of the recreation programs throughout the Southeastern Pennsylvania area.

**West Conshohocken Police Department: #197**

A. We are made aware of sex offenders in our community, usually by the probation officer. The probation officer will visit periodically to provide status and updates.

B. Make sure victims are notified of status.

**Freemansburg Police Department: #207**

A. All of the registration is done at the county level.

**South Park Township Police Department: #209**

- A. We usually have no idea that an offender is in our jurisdiction unless notified by the State Police, or if we find out through an unrelated investigation.
- B. Tighten up the law. If they fail to register, they should be arrested. Clarify for law enforcement when “community notification” is required.

**Girard Borough Police Department: #210**

- A. If there is some kind of sex offender registration policy that I could use as a template to adopt a policy in my department I would be interested in reviewing it.

**Abbottstown/Hamilton Township Police Department: #211**

- A. Better understanding of classes of sex offenders, either online or mail-out. It appears confusing when list show large numbers, however some may be not in accordance of standards in original intent of law.
- B. Well it appears in or near my jurisdiction there are numerous ones according to online website. However this department only had knowledge of one, whom we made notification as required by law.

**Franklin Park Borough Police Department: #214**

- A. Our department only follows state mandated guidelines.
- B. The state agency should, on a regular basis, supply information directly to police agencies upon court adjudication. It should be computerized and be statewide as well as nationwide. Like NCIC/CLEAN but only for sex offenders.

**Conneaut Lake Regional Police Department: #215**

- A. Currently, offenders are managed by State Police at local barracks. No one in our department has training to manage offenders are unsure exactly the boundaries and legal limitations regarding the Megan’s Law website postings. All complaints are forwarded to PSP barracks.
- B. Better education to local law enforcement with regards to items mentioned above. In addition to the requirements of the parolee and their limitations.

**Jackson Township Police Department (Butler County): #219**

- B. Immediate notification to us as to where they are living and all background info on them. Can this info then be posted on our department website?

**Upper Yoder Township Police Department: #220**

- A. Try and educate the judges at the county level. Have charged three offenders for not registering and courts threw out cases or replaced charges to summary disorderly conduct. No teeth in law!

**Apollo Borough Police Department: #222**

- A. We received info from PSP (specified unit) for our records.
- B. Until we are given info on how this is done, unable to make suggestions.

**Leet Township Police Department: #224**

- A. Being a small department we often overlook procedures and policies that are available, sample policies and procedures could benefit us as well as classes on this issue.

**Glassport Police Department: #226**

- A. We do not have a policy at this time but will have one soon. The state tells us where the person is and gives up the information we need in our town.

**South Fayette Township Police Department: #227**

- A. PSP will contact us with registered offenders and we make necessary notifications.

**Bensalem Township Police Department: #228**

- A. We have just recently had our first two community notifications and are in the planning stages of creating a general order on how to comply with law. We basically rely on the PSP Megan's Law information report and CLEAN messages. We do place photos and all pertinent information into our records management system so if the name is accessed by an officer, the photo and information are available.

**New Sewickley Township Police Department: #233**

- B. Link computer driver's license files to sex offender database, so whenever a police officer has contact with a person, it can be learned quickly and automatically that he's a sex offender. Also, push for a national sex offender database so offenders will be known wherever they go.

**Moscow Borough Police Department: #234**

- A. Our department would be willing to do whatever is necessary. At this time, our department keeps a file, etc. but we have not been involved in the notification process. The Pennsylvania State Police have been the ones that the offenders register with, and Moscow Borough (as far as I know) doesn't have any violators that community notification was needed.

**Sadsbury Township Police Department: #235**

- A. To my knowledge, we do not receive any notification except what I print off the PSP website.
- B. Provide better and more timely information.

**Franconia Township Police Department: #239**

- B. We are basically "in the dark." For a while, we received notification posters from PSP – usually six months to a year after the offender had moved out of town. We need an update seminar badly. We regularly check out the PSP Megan's Law website.

**White Oak Police Department: #241**

B. Contact from the PSP is vague and sporadic our Megan's Law is weak in Pennsylvania.

**Mt. Oliver Police Department: #243**

A. We receive the initial call. We then inform Allegheny County detectives who then takes over the case. We have no one experienced in this area of law enforcement.

B. Police departments in the surrounding area should be made aware of a sex offender's coming into the community. Block watch captain should be informed to pass it through the neighborhoods.

**Pittston Township Police Department: #245**

A. We get all our info from the DA's Office. Probation officers notify us and we need more info we contact appropriate person.

**Brookhaven Police Department: #247**

B. Attempt to verify actual address to avoid having notifications sent to wrong police department.

**Jefferson Township Police Department: #248**

A. Have never been notified of any sexual offender residing in township. In one instance when JTPD became aware of sexual offender and requested information from PA State Police, informed that PSP was not required to inform JTPD that offender was in township.

B. Information dissemination to municipal departments.

**Stroud Area Regional Police Department: #254**

B. Notification when an offender moves out of jurisdiction.

**Borough of Macungie Police Department: #256**

A. We have not had any persons within our jurisdiction.

**Whitehall Township Bureau of Police: #257**

A. As of today, 14 sex offenders are within Whitehall, based upon the PSP website. On occasion, we attempt to contact offenders to monitor them and verify information.

B. Increase budget and staff of PSP Megan's Law section. This is the best way to ensure accountability and consistent follow-up throughout the Commonwealth. Centralize responsibility. do not de-centralize it to individual municipalities.

**New Britain Borough Police Department: #259**

A. We've never had a sexually violent predator living here. When and if we ever do, we will follow all protocol and mandates for notification.

**Butler City Police Department: #260**

B. Some form of community notification when a known offender moves out of an area, after that community has been notified that he had moved in.

**Ingram Borough Police Department: #261**

A. It was always my belief that the registration and keeping track of these offenders was done by the PSP who in turn would notify local agencies as to the whereabouts of the offenders.

**Cranberry Township Police Department: #262**

A. Work with Probation and Parole when there are any significant issues. Whenever an issue comes up, we verify we are following correct procedures.

**Mt. Lebanon Police Department: #263**

A. All flyer and biographical info is kept on file with the youth services officer. This info is downloaded to the MLPD computer server and all patrol cars have access to this info via on-board laptops.

B. If a sex offender moves from my town it would be helpful if PSP could provide that information to us in a timely manner.

**Independence Township Police Department: #265**

A. Most questions were not applicable since there are no sex offenders within the township. Should a sex offender reside within the township, does the Board have guidelines to offer to the police department as to the registration, records of these offenders?

**Stockertown Borough Police Department: #279**

A. I am not familiar with any sex offender information sent to our department.

**West Chester Police Department: #281**

Should any training surface, could you please contact me at above info? (Det. Stan Billie, 610-436-1337, [sbillie@west-chester.com](mailto:sbillie@west-chester.com))

**Upper Pottsgrove Police Department: #283**

B. Constant contact by their P.O/ Maybe make them put on an electric monitor for several years to track their whereabouts? Have them directly report to their local police department and register in person. Included in the registration would be to be fingerprinted by the police department and photographed so they already have everything in case something would occur again.

**Fleetwood Police Department: #284**

B. Comments from the public to us have been that (information about) all sex offenders should be given to the public. Names and addresses listed in newspapers and Internet.

**Radnor Township Police Department: #285**

B. Ensure departments receive a complete set of laws and guidelines concerning registration and management. Include phone numbers. E-mail updates.

**Southwest Mercer County Regional Police Department: #289**

A. The only notification we have received has been from flyers distributed by PSP. We do not have individuals checking into our department as offenders reporting their addresses.

B. Our department would appreciate literature detailing our responsibilities and what policies are needed, copies of these policies and trainings for our officers in this matter. Thank you for any help you can give us, Chief Riley Smoot, Jr.

**Lower Providence Township Police Department: #291**

A. Most of the offenders that we deal with are inmates at the Montgomery County Correctional Facility that is located in our township. We frequently receive notices that these inmates have not filed the verification of address forms. We forward them to the MCCF staff to insure that the forms are filled out and submitted to the Megan's Law Section.

B. Inmates should be required and be photographed prior to being released on bail or parole. We recently arrested an offender who had been out of jail for 2 ½ years, and had never registered. It was only because of the Megan's Law information being made available to the public that this situation came to light.

**Salisbury Township Police Department: #292**

A. Megan's Law legislation created a special PA State Police unit to deal with sexual offender registration and community notification. Municipal law enforcement agencies are not usually involved in registration or tracking of sex offenders.

**North Huntingdon Township Police Department: #301**

A. We do the community notifications on Sexually Violent Predators when notified by the Penna. State Police that notification is necessary. We refer persons inquiring about sexual violators in our area to the Penna. State Police Website for information.

**Punxsutawney Borough Police Department: #303**

A. When our agency is informed by PSP of a "Failure to Register," we immediately investigate the claim and follow the guidelines and procedures set by the state. We also work closely with PSP Punxsutawney Trooper Mike Kopas.

**Bushkill Township Police Department: #304**

A. We leave this up to Pennsylvania State Police and assist them if needed.

**Mahanoy Township Police Department: #307**

A. We are a small township and no set policies or formal training on sex offender registration and notification.

**Swatara Township Police Department: #308**

A. Unique to our jurisdiction is the fact that Dauphin Co. Prison and Work Release Center are here. As a result, I am inundated with Megan's Law notifications that more rightfully should go to the jurisdictions that initiated the charges. These offenders leave the prison system and rarely remain in our jurisdiction.

**Lansdale Police Department: #309**

A. Since PSP handles registration and address verification, we do not get involved until the offender fails to register. We have not been involved in a SVP notification.

B. Yearly update to local agencies on offenders' status following their yearly registration.

**East Earl Township Police Department: #311**

A. Most of the notifications are handled by Pennsylvania State Police. We have charged approx. three people with failure to change address w/Megan's Law over the past several years. Our policy is being redone over the next couple of years.

B. I wish there was a better way of tracking the movements of such offenders.

**Williamsport Bureau of Police: #312**

A. We rely on the Pennsylvania State Police.

B. Explain what are the requirements and logistics for community notification.

**White Township Police Department (Beaver County): #315**

A. This is a small department. So far, I have only had two sex offender notifications and they were not the type that the public had to be notified. I do keep a file on these subjects and would do what was necessary if I am notified serious sex offenders were in my area.

**Highspire Police Department: #316**

A. We rely on the Pennsylvania State Police to notify us when a registered sex offender moves into our jurisdiction. If a sex offender comes to our station to register, we send them to the Pennsylvania State Police.

**Pottstown Police Department: #320**

Electronic cuff monitoring by satellite. It's the only way to go. There guys look at the current Megan's Law supervision and requirements like a juvenile looks at probation. They don't care. It is not strict enough. It needs to be tougher for the offender.

**Everett Borough Police Department: #321**

B. If we are told of a sex offender and are told they failed to change their address, then we will charge them.

**Birdsboro Borough Police Department: #323**

B. Mandatory county-wide police department, in effect eliminating small departments (like Birdsboro) that do not have manpower to permit specialization, particularly in the area of sex offenders. Mandatory, because local officials will never permit it to occur by choice.

**Indiana County District Attorney's Office: #324**

A. Our department is a three person detective bureau – all notifications and registrations in Indiana County, PA are done by PSP and law enforcement agencies.

**Waynesburg Police Department: #325**

A. This jurisdiction has had very minimal involvement with Megan's Law-related offenders within jurisdiction. Only one move notice violation brought to our attention by PSP. This was immediately acted upon and rectified without prosecution. Determined to be a minor infraction.

B. Department's involvement extremely limited, so can make no suggestions at this time.

**York Area Regional Police Department: #326**

A. Our department is notified by PA State Probation and Parole about sexual offenders living in our jurisdiction. Megan's Law Section requests us to investigate and prosecute under Title 42 for non-compliance on the offender's probation/parole.

**Cambria County DA's Office Detectives: #331**

A. Sex offender registration is handled by the PA State Police and local law enforcement agencies. The only involvement our agency takes is assistance to prosecutors and other law enforcement agencies.

**West Mahanoy Township Police Department: #336**

A. State Police handle all of this in our jurisdiction.

**Lancaster City Bureau of Police: #338**

B. If an offender is registered in a certain municipality and he moves to another municipality, it would be very helpful to know if that offender no longer lives in our jurisdiction.

## Findings from Survey of County Wardens

This section of the report describes the findings from a survey of Pennsylvania's County Wardens. As noted previously, 46 counties responded to this request for information. As shown in Table 3.1, the total population count for county prisons in Pennsylvania, and on the specified date (April 26, 2005), was 18,692, of which 871 were reported as being sex offenders. The average county population on that date was 425 and the average sex offender population count was 22. The median for the total population count is 250 and for the total sex offender count is 10. Also as shown in Table 3.1, the mode (most often reported number by the counties) for population count is 127 and for the sex offender count is four. The data indicate that approximately five percent of the county population count in Pennsylvania on April 26, 2005 were sex offenders (based on information provided by the 46 reporting counties).

**Table 3.1**  
**Summary Statistics from Survey of County Warden**  
**(46 counties reporting)**

	<b>Range</b>	<b>Mean/Average</b>	<b>Median</b>	<b>Mode</b>
Population Count (Total Reported = 18,692)	38-1922	425	250	127
Sex Offender Count (Total Reported = 871)	1-127	22	10	4

Percent of population count that are sex offenders = 5%

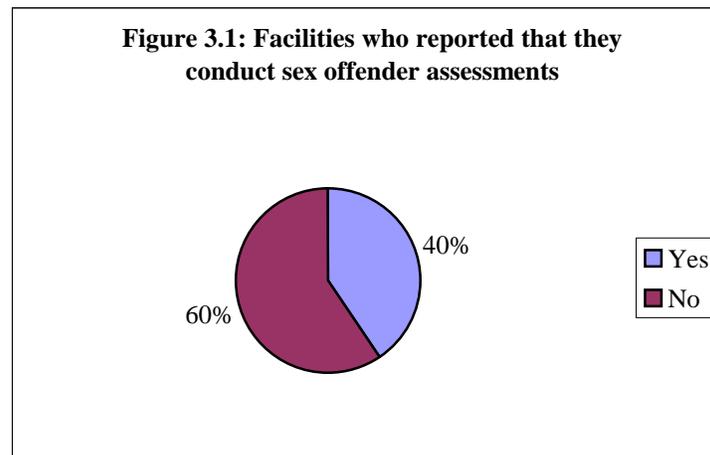
As shown in Table 3.2, the majority of sex offenders in PA's county prisons are male (94%), and 62 percent are reported as being white. Twenty-seven percent of sex offenders in county prisons are reported as being Black or African-American, and 11 percent as being Hispanic.

**Table 3.2**  
**Background Characteristics of County Inmates – Sex Offenders Only**  
**(N = 732 for which information was provided)**

	<b>Number</b>	<b>Percent</b>
<b>Gender</b>		
Male	689	94
Female	43	6
<b>Race/ethnicity</b>		
White	452	62
Black/African-American	197	27
Hispanic	76	11

### **Sex Offender Assessment in the County Prisons**

The survey questionnaire for the county warden survey asked about the extent to which sex offender assessments were performed within their facility. Figure 3.1 reveals that over half (57%) answered “no” to that question. Forty-three percent, however, reported that “yes,” they do conduct assessments within their facilities.

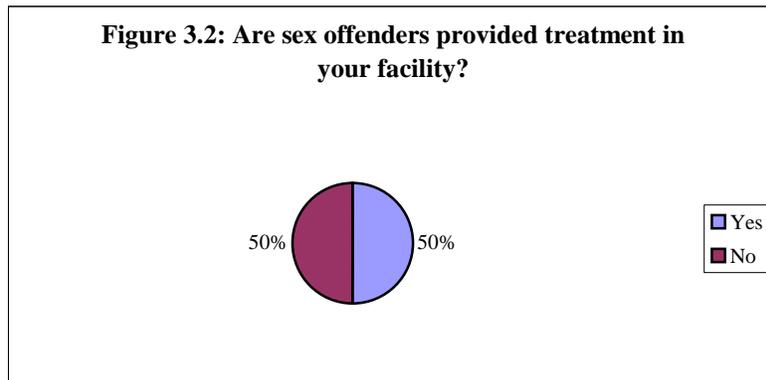


When asked to describe the assessment process followed by those facilities who report conducting such evaluations of sex offenders, individuals completing the questionnaire responded in the following manner:

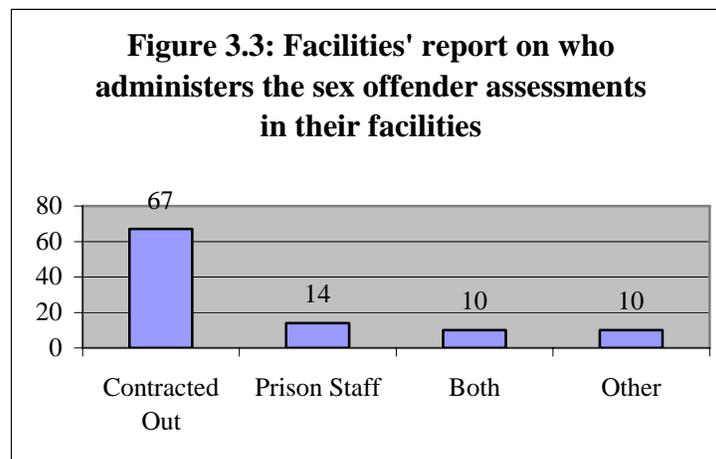
- Adult Probation identifies the participant;
- Assessment conducted by Adult Probation;
- As indicated by a sentencing or court judge;
- By way of a sexual history administered by clinical support staff;
- Intake by a prison counselor;
- Ohio State University Training Assessment Module;
- Performed by a contracted psychologist; and
- STATIC-99-at admission if sentenced.

### **The Provision of Treatment to Sex Offenders at the County Prison Level**

When asked the question, “Are sex offenders provided treatment in your facility,” half (50%) responded “yes” (see Figure 3.2). The number of sex offenders receiving treatment in county facilities range from 0 to 43 within the various facilities reporting that they provide such treatment. The data indicate further that the total number of sex offenders reported as being treated in county prison is 127. This represents approximately 15 percent of the sex offender prison population across these 46 counties.



We next asked respondents to tell us who administers sex offender assessments within their facilities. As shown in Figure 3.3, almost two-thirds (67%) of individuals reported that such assessment is “contracted out.” Fourteen percent of local prisons, however, allow prison staff to administer sex offender assessments.



In those instances where facilities report providing sex offender treatment “in-house,” it appears those staff are either identified as “clinical support/treatment staff.” In one instance, the unit reported the in-house treatment provider as “having a master’s degree” and in another as “a psychological/counselor and member of the SOAB.”

Of the 22 units who report providing some sort of treatment to sex offenders, seven report that individual counseling is provided; eleven report that group counseling is provided, and the rest say that a combination of both types of treatment are provided along with group cognitive behavioral approach.

Of interest is the fact that only one unit reports that there is a waiting list for treatment for sex offenders.

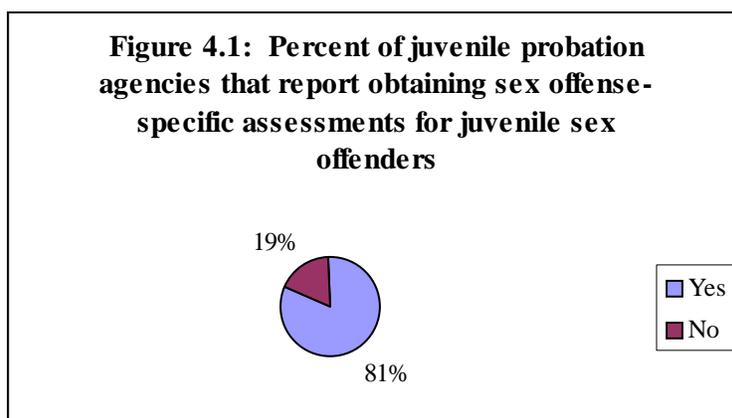
### **Additional Information**

- Eight reporting units say that pretrial detainees are receiving treatment within their facility.
- Three units report that other types of offenders could be in the same treatment program as are sex offenders.
- Only six units report having a written policy on sex offender treatment.
- Thirty-five county prison staff reported that they would be willing to participate in a regional symposium.

## **Findings from the Juvenile Probation Survey**

As noted in earlier in this report, the survey of the PA Chief Juvenile Probation Officers yielded a response rate of 91 percent with 61 counties responding.

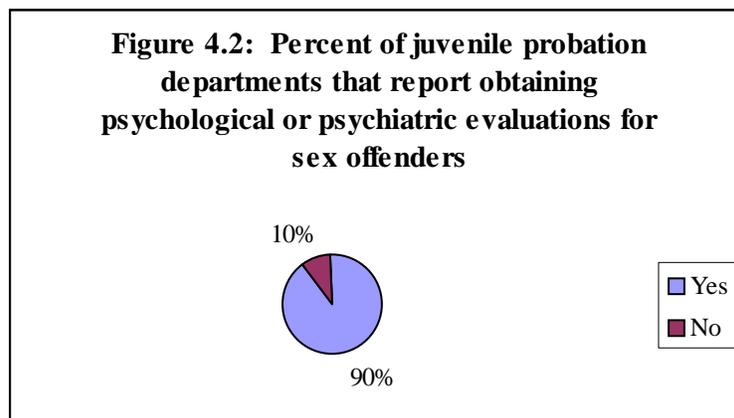
Officers were first asked about the percent of juvenile probation agencies that report obtaining sex offense-specific assessments for juvenile sex offenders. As shown in Figure 4.1, 81 percent of agencies responded “yes” to that question.



When asked specifically about the type of assessment tools used, the following responses were given:

- 10 counties listed using the Abel Screening Test.
- 7 counties listed using ERASOR.
- 7 counties listed using JSOAP or JSOAP-II.
- 5 counties listed using the Beck Depression Inventory.
- 3 counties listed using Polygraph.
- 3 counties listed using the Carich & Adkerson Victim Empathy & Remorse Scale.
- 12 counties listed they rely on contractors or specialists for these assessments.

Ninety-percent of agencies reported that psychological or psychiatric evaluations are used with juvenile sex offenders (see Figure 4.2).



One follow up question asked about the time period or point in the process where assessment/evaluations are completed. Twenty-four counties reported “post-adjudication/pre-disposition.” Ten counties reported “at pre-adjudication” and two counties reported that assessments or evaluations are completed on juvenile sex offenders “at time of adjudication.”

Juvenile Probation Agencies were next asked, “Are the results used by the Court in determining the most appropriate disposition?” As indicated in Table 4.1, 98 percent of respondents answered “yes” to that question. When asked, “Are the results used to develop a supervision/treatment plan,” almost all (98%) of counties responded “yes.”

**Table 4.1**  
**Are Results of Evaluations Used by the Court and to Develop a Supervision Plan?**

<i>Question: Are the results used by the Court in determining the most appropriate disposition?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	59	98
No	1	1

<i>Question: Are the results used to develop a supervision/treatment plan?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	59	98
No	1	1

When it comes to re-assessing juvenile sex offenders, and as shown in Table 4.2, 45 counties (74%) said that re-assessment is used to determine progress during supervision. Thirty-four counties (59%) reported that re-assessment is used to help determine whether supervision should be terminated.

**Table 4.2**  
**Extent to Which Sex Offenders are Re-Assessed**

<i>Question: Are sex offenders re-assessed to determine progress during supervision?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	45	74
No	16	26

<i>Question: Are sex offenders re-assessed to help determine whether supervision should be terminated?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	34	59
No	24	41

Almost all departments reported that juvenile sex offenders receive inpatient treatment (60; 98%) with 53 (88%) agencies reporting that such treatment is contracted out to another agency.

Of the 46 agencies who answered the question, “If you provide either residential or out-patient sex offense-specific treatment for juvenile sex offenders, is there a waiting list for those programs,” exactly half answered “yes” to that question and half answered “no.”

The most common responses to the question, “What is the average wait for treatment,” were:

- One to two weeks;
- Two to four weeks; and,
- Only about four agencies reported a waiting period of beyond four weeks.

When asked about services provided to juveniles on waiting lists, common responses were:

- 19 counties use Detention.
- 7 counties use Shelter Care or Foster Care.
- 5 counties use Electronic Monitoring.
- 4 counties use Probation Supervision.
- 4 counties report providing “Nothing.”

Only four departments reported that in-house treatment is based on the results of an assessment or evaluation and only five agencies reported having a written policy on file related to the treatment and management of sex offenders.

When asked whether non-sexual offense referred juveniles are mandated for treatment if there is a known history of such offenses, 25 agencies (51%) responded “yes” and 24 agencies (49%) responded “no.”

Ten departments reported placing juvenile sex offender in out-of-state facilities. These departments reported currently having 42 offenders in an out-of-state facility.

### **Components of Juvenile Sex Offender Treatment**

Several questions were included in the survey of juvenile probation agencies that asked about the components of treatment sometimes included in sex offender cases. Those are listed in Table 4.3 on the following page. The component that appears not be used at all by local juvenile probation agencies is “denial of the offense by the juvenile.” The other listed components, however, appear to be either typically or always included in treatment plans for juvenile sex offenders being supervised by juvenile probation.

**Table 4.3**  
**Components or Areas Included in Treatment Programs for Juvenile Sex Offenders**

<i>Question: Regardless of who provides treatment to sex offenders, please tell us if any of the following areas are included in the treatment program.</i>				
Percentages reported*				
	<b>Never</b>	<b>Generally not</b>	<b>Typically</b>	<b>Always</b>
Denial of the offense by the juvenile?	37	62	--	--
Cognitive distortion?	--	--	43	50
Victim empathy?	3	--	18	78
Healthy sexuality and sex education?	--	3	25	68
Behavioral self-management	--	2	25	72
Deviant sexual arousal/interest?	--	2	42	48
Multi-systemic approaches?	--	12	50	35
Adjunctive treatment services?	--	5	58	34

\*May not total to 100 due to rounding or missing data.

### **The Nature of the Supervision of Juvenile Sex Offenders**

Juvenile probation departments were asked about the number of officers who supervise sex offenders. With 55 counties responding to this question (see Table 4.4 on the following page), the most common response was “1 to 5” (34 departments). It is interesting to note, however, that 11 department reported that between 11 and 30 officers supervise sex offenders.

**Table 4.4**  
**Number of Probation Officers who Supervise Juvenile Sex Offenders**  
**(55 counties answering this question)**

	Number	Percent
1-5	34	62
6-10	10	19
11-15	6	11
19-30	5	9

Very few counties reported that they had probation officers who supervised only sex offenders (7 departments). For those seven departments, the following average caseloads were reported:

- 15 (1 department)
- 18 (2 departments)
- 25 (3 departments)
- 27 (1 department)
- 40 (1 department).

#### **Additional information**

- 7 departments reported that specialized sex offender probation officers receive special training;
- 6 departments reported that specialized sex offender probation officers receive ongoing training; and
- 6 departments reported that specialized sex offender probation officers receive a special orientation.

When it comes to who provides such training to these specialized officers, departments reported:

- JCJC
- SOAB
- PBPP
- Private agencies
- SAPEN
- SA Prevention Education Network
- Conferences
- Various providers throughout the state.

When asked, “Do juvenile probation officers in your department receive any of the following training,” responses varied somewhat across the six components listed in Table 4.5 on the following page. Sixty percent of officers said that juvenile probation officers within their department either “typically” or “always” receive training about the modus operandi of sex offenders, and roughly 47 percent said that their officers “typically” or “always” receive training on interviewing strategies.

An overwhelming percentage of respondents said that their department “never” or “generally does not” provide training to probation officers on navigating a juvenile’s computer to search for visited web sites or downloads.

It appears also that most juvenile probation officers receive training on the “impact of victimization” and the “needs and rights of victims.”

Finally, only 20 percent of agencies report training juvenile probation officers on the “physical evidence unique to sex offense cases.”

**Table 4.5**  
**Training Components Provided to Juvenile Probation Officers**

<i>Question: Do juvenile probation officers in your department receive any of the following training, regardless of whether they are assigned to a specialized caseload?</i>				
Percentages reported*				
	<b>Never</b>	<b>Generally not</b>	<b>Typically</b>	<b>Always</b>
Modus operandi of juvenile sex offenders?	--	41	58	2
Interviewing strategies with alleged juvenile offenders?	8	45	42	5
Navigating a juvenile's computer to search for visited web sites or downloads?	44	48	5	3
Impact of victimization?	2	18	63	17
Needs and rights of victims?	2	15	50	
Physical evidence unique to sex offense cases?	21	59	17	3

\*May not total to 100 due to rounding or missing data.

### **Conditions of Probation and Elements of Supervision for Juvenile Sex Offenders**

Eleven questions were next asked of Chief Juvenile Probation Officers that examined the conditions of probation and elements of sex offender supervision. The responses to those questions are reported in Table 4.6 below.<sup>2</sup>

The findings in Table 4.6 can be summarized as:

- 86 percent of counties report that confidentiality is waived between the offender, the PO, treatment providers, and others.
- Almost all agencies report prohibiting contacts with victims.
- 79 percent of counties say that they limit juvenile sex offenders' contact with minors.
- Most counties report NOT using polygraph examinations.
- 60 percent report limiting access to the Internet with juvenile sex offenders.

<sup>2</sup> For ease in reporting, in some cases the "never" and "generally not" categories are collapsed and in others, the "typically" and "always" categories are collapsed.

**Table 4.6**  
**Conditions of Probation/Elements of Supervision for Juvenile Sex Offenders**

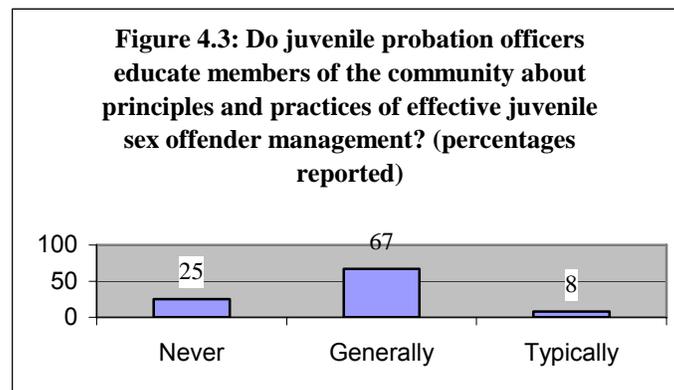
<i>Question: no question was included</i>				
Percentages reported*				
	<b>Never</b>	<b>Generally not</b>	<b>Typically</b>	<b>Always</b>
Is confidentiality waived between juvenile, PO, treatment providers, and others?	5	9	36	50
Is contact prohibited with victims?	--	2	42	57
Is contact prohibited with minors?	2	20	57	22
Submitting to polygraph examinations?	24	41	23	12
Prohibiting the possession or use of pornography or sexually arousing material?	3	13	28	56
Limiting access to the Internet?	7	33	34	26
Establishing employment requirements that limit access to potential victims?	7	26	38	30
Encouraging caregiver/family involvement?	--	--	33	67
Restricting caregiver/family involvement due to that person's sexually acting out behavior?	--	28	47	25
Restricting movement within and outside the community?	3	5	56	36
Is progress and compliance routinely documented through objective assessment with case plans modified as needed?	--	23	48	30

*\*May not total to 100 due to rounding or missing data.*

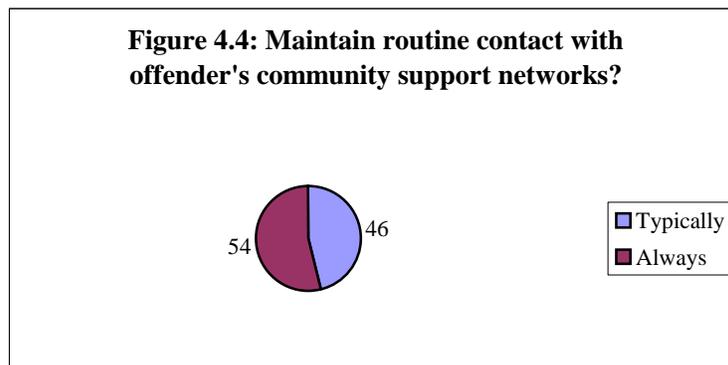
- All agencies report encouraging caregiver/family involvement;
- 72 percent of agencies say that they restrict caregiver/family involvement due to that person's sexually acting out behavior;
- All but eight percent of agencies report that they restrict juveniles' movement within and outside the community.
- 78 percent of respondents say that they routinely document progress and compliance through objective assessment;
- Seventy-seven percent of agencies reported using electronic monitoring or GPS technology (46 departments).

A little over half (54%) of reporting counties say that contacts with probationers occurs periodically outside traditional business hours. Five percent report this practice as “always.” Forty-one percent of respondents, however, report that this practice is “generally not” followed.

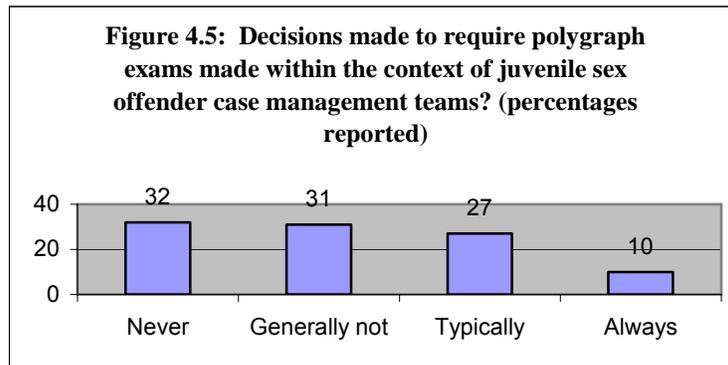
When asked, “Do juvenile probation officers educate members of the community about principles and practices of effective juvenile sex offender management,” 92 percent of agencies said “never” or “generally not.” (See Figure 4.3)



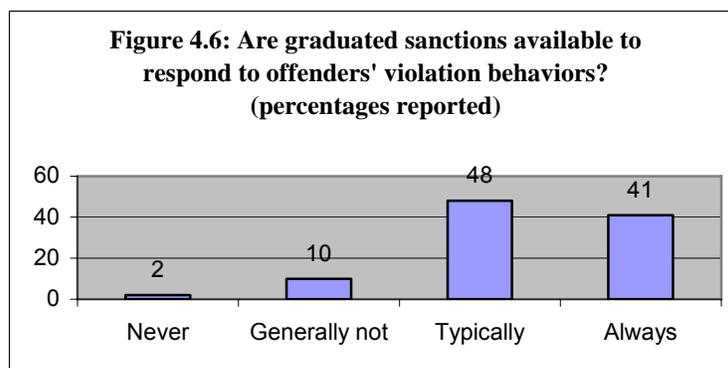
When asked, “Do probationers maintain routine contact with offenders’ community support networks,” 54 percent of agencies responded “always” and 46 percent responded “typically.” No agencies responded either “never” or “generally not” to that particular question.



Sixty-three percent of agencies said that decisions are not made (“never” or “generally not,” see Figure 4.5) to require polygraph exams be made within the context of juvenile sex offender case management teams.



As shown in Figure 4.6, 89 percent of counties reported that graduated sanctions are available to respond to juvenile sex offenders' violation behavior either "typically" or "always."



Eighty-three percent of departments reporting said that juvenile probation officers are obligated to report technical violations to their supervisors.

Sixty percent (37 agencies) reported that they use multi-disciplinary teams in the decision-making process and supervision of juvenile sex offenders.

For those who do make sure of such teams:

- 80 percent report using those teams at pre-disposition, assessment, and planning.
- 92 percent report using them during supervision.
- 97 percent report using such teams during decisions about pre-release; and
- 95 percent as part of after-care.

### **Additional Information**

- 91 percent (53 agencies) reported having a community-based victim advocate in place to respond to the needs of sexual assault victims.
- 56 agencies (93%) said they would be interested in participating in a regional symposium.
- 56 agencies (93%) reported being willing to communicate with research staff or Team members through a phone call or e-mail correspondence regarding this survey.

**Findings from the Open Ended Comments Question of the Survey****Adams County: #1**

Serious sex offenders often receive a 45-day diagnostic evaluation at the Children's Home of York. All sexual offenders will have, at the very least, a Psychological. Some of the questions, I would have like to explain in detail.

**Clarion County: #6**

We supervise very few sex offenders. We rely on the "experts" for input.

**Lebanon County: #13**

Few resources in Lebanon County. Lack of funds.

**Luzerne County: #14**

The number of sex offenders has increased and we could definitely use more training.

**Carbon County: #23**

Trainings regarding navigation computers of sex offenders would be most beneficial to our officers, as well as the physical evidence training.

**Berks County: #26**

Education of the key players who make decisions involving offenders is necessary – court personnel, management.

**Philadelphia County: #30**

As a PO, who has been working with and supervising this population for 9 years, I believe great strides are being made in the treatment of sex offenders.

**Indiana County: #33**

This department supervises an average of 70 juveniles on any given day. To have one officer provide supervision to 2-4 juveniles is not cost effective. We rely on the assessments that are conducted by the experts and follow their recommendations.

**Fulton County: #56**

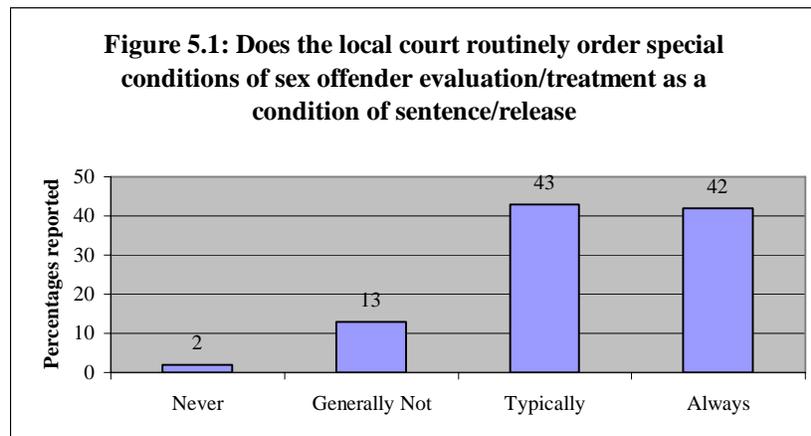
More training on matters surrounding the supervision of sex offenders needs to be provided for officers in the field.

## Findings from the Adult Probation Survey

At the end of 2004, county probation departments responding to the present study reported 3,823 sex offenders under their agency's supervision. This report represents a range of 0-814 and a mean/average of 72 (median = 29; mode = 0 and 12). Individuals completing the questionnaire reported further that a total of 258 sex offenders had "maxed out," indicating a range of 0 – 123 and a mean/average of 9 (median = 2; mode = 0).

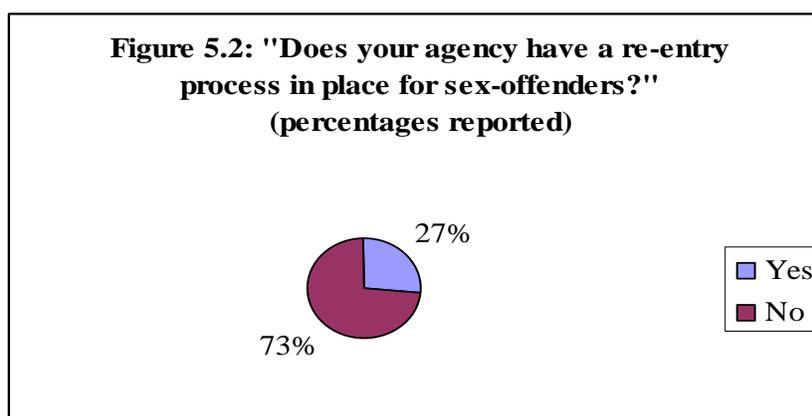
### **Special Conditions of Sex Offender Evaluation/Treatment Routinely Ordered by the Court**

When asked, "Does the local court routinely order special conditions of sex offender evaluation/treatment as a condition of sentence/release," 85 percent of respondents reported either "typically" or "always." As shown in Figure 5.1, only 13 percent of officers responded "generally not" to that question.



### **Re-entry Process in Place for Sex Offenders?**

As shown in Figure 5.2, 73 percent of reporting agencies stated they did not have a re-entry process for sex-offenders. Only 27 percent agencies reported having a re-entry process.



Agencies were next asked about the inclusion of an assessment of progress made in sex offender-specific treatment and other programs during the most recent period of incarceration. As shown in Table 5.1, over half (61%) of respondents answered “never” or “generally not” to that question. Thirty percent, however, did say that such a report is “typically” included in sex offenders’ discharge reports with five departments reporting that as “always.”

**Table 5.1**  
**Discharge reports include assessment of progress made in sex offender-specific treatment and other programs during the most recent period of incarceration?**

	Number	Percent
Never	19	35
Generally not	12	26
Typically	16	30
Always	5	9

In a similar vein, agencies were next asked about whether the releasing or supervising authority uses a risk assessment instrument with sex offenders. As shown in Table 5.2, 31 agencies (54%) responded “never” or “generally not” to that question with 26 agencies (45%) responding “typically” or “always.”

**Table 5.2**  
**Does the releasing or supervising authority use a risk assessment instrument with sex offenders?**

	Number	Percent
Never	19	33
Generally not	12	21
Typically	7	12
Always	19	33

When asked to describe the assessment tool used (e.g. the LSI-R, etc.), respondents stated:

- STATIC-99, etc.;
- Abel Screening;
- Client assessment forms;
- Internal document;
- Oklahoma supervision matrix;
- PBPP risks/needs tool;
- ERASOR;
- SOAB does the assessment; and
- Wisconsin model followed.

It is interesting to note that thirty-nine departments (77%) said that they believe the treatment providers they use to treat sex offenders are able to continue with the type of treatment that released sex offenders might have received within the SCIs.

### **Summary of Type of Treatment Being Used With Sex Offenders by Providers**

Adult probation agencies were next asked to summarize the type of treatment being used with their sex offender clients by treatment providers. The following summary BEST describes the responses received for this question:

- Abel – 3 agencies;
- Polygraph – 10 agencies;
- Relapse prevention – 3 agencies;
- Cognitive behavioral – 7 agencies;
- Individual therapy sessions – 22 agencies; and
- Group therapy sessions – 20 agencies.

### **Extent and Nature of Sex Offender Supervision Within Local Probation**

Adult probation agencies were asked several questions about the nature of sex offender supervision by their officers. A first question asked, “Do you have a special sex offender unit?” As indicated in Table 5.3, almost half of the respondents answered, “yes” to that question (46%) and more than half answered “no” (54%).

**Table 5.3**  
**Do you have a special sex offender unit?**

	<b>Number</b>	<b>Percent</b>
Yes	28	46
No	33	54

A follow up question asked agencies about how probation officers get assigned to supervise sex offenders. According to the data reported in Table 5.4, 32 percent of probation officers get sex offenders on their caseloads by default; 17 percent of counties allow officers to volunteer for such an assignment.

**Table 5.4**  
**How does an agent get assigned to supervise sex offenders?**

	<b>Number</b>	<b>Percent</b>
By default	19	32
They volunteer	10	17
Other	31	52

Other = Senior agents can apply; It's based on experience and skills; by special assignment; by individual caseload numbers; geographic assignments; same-gender PO assignments; specialized caseload for particular agents.

When asked, "Do you have any written protocols for supervising sex offenders," Table 5.5 reveals that less than half (N = 24; 46%) responded "yes" to that question.

**Table 5.5**  
**Do you have any written protocols for supervising sex offenders?**

	<b>Number</b>	<b>Percent</b>
Yes	24	46
No	33	54

According to respondents to the adult probation survey, 79 percent of agencies report that their officers who supervise sex offenders receive special training with 21 percent responding that officers do not receive that sort of training.

**Table 5.6**  
**Do any of your officers receive special training in how to manage  
 and supervise sex offenders?**

	<b>Number</b>	<b>Percent</b>
Yes	48	79
No	13	21

A follow up question asked, “If yes, who provides the training?” The most common responses to this question were: “PBPP, SOAB and CSOM” and “state or local agencies.” Some agencies, however, did list “private providers.”

A second follow up question asked, “If yes, what resources are available to pay for this specialized training?” The majority of agencies reported, “training budget and county funds.” Some agencies listed “grants and PBPP.” Several listed they use “free” trainings.

### **Agency’s Use of the Polygraph, Electronic Monitoring, and Global Positioning Systems**

The next set of questions asked agencies about the use of polygraph examinations, electronic monitoring, and Global Positioning Systems when it comes to supervising sex offenders. As shown in Table 5.7, 47 percent (28 departments) reported using the polygraph exam. A clear majority of agencies (49 or 80%) said that they make sure of electronic monitoring. Only about 27 percent of agencies, however, said that they use GPS for sex offenders.

**Table 5.7**  
**Agency’s use of polygraph examinations and electronic monitoring/GPS**

<i>Question: Does your agency make use of polygraph exams?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	28	47
No	32	53

<i>Question: Does your agency make use of electronic monitoring?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	49	80
No	12	20

<i>Question: Does your agency make use of Global Positioning Systems?</i>		
	<b>Number</b>	<b>Percent</b>
Yes	16	27
No	44	73

### **Summary Of Comments Regarding at What Point Agencies Involve Victims**

When it comes to involving victims in the supervision and management process of sex offenders at the county level, chief adult probation offices across the Commonwealth who responded to the survey reported the following:

- At all steps or during the entire supervision periods (10 agencies)
- During the PSI (16 agencies)
- If requested (5 agencies)
- Never (4 agencies)
- DA's Office (4 agencies)
- Other comments:
  - Minimally, they usually contact us;
  - Pre-parole;
  - At disposition;
  - When an offender is ordered not to have contact with the victim; and
  - Victims/Witness Office; Project Point of Light.

### **Summary Of Question Regarding Agency's Policy on Offender's Release To a Home With Children Present**

A final content question asked respondents about their policy when it comes to the release of an offender to a home where there are children present. Those results are best summarized below:

- Generally forbidden (16 agencies)
- Court determines/orders (9 agencies)
- Case by case basis (17 agencies)
- No policy (8 agencies)
- Not allowed when crime was against a child (3 agencies)
- Only if a responsible parent/adult is present (3 agencies)

Finally, 52 out of the 61 agencies who responded to the survey said that they would like to participate in a symposium on best practices associated with managing and treating sex offenders.

**Findings from the Open Ended Comments Question of the Survey****Philadelphia County: #12**

Managing: Difficult with high caseloads (average = 140)

Treating: No funding. Very few programs to choose from. Delays getting into treatment due to Intake fee.

**Montgomery County: #21**

In order to fully address supervision of the Sex Offender in the community, funding must be available to provide adequate intensive supervision for sex offenders. This includes money for reduced caseloads for Probation/Parole officers, treatment availability for offenders and victims. Issues of re-entry also need to be addressed on a collaborative team.

**Adams County: #61**

More intensive trainings on supervising offenders. Do not get much funding from county.

## Findings from the District Attorney Survey

Twenty-nine County District Attorney offices returned completed, useable questionnaires. This first section on the report of findings from these 29 counties include information about the number of full- and part-time DAs within these local offices as well as summary statistics associated with the number of cases handled during 2004.

As shown in Table 6.1, most counties (48% or 14 counties) report having 0-2 full-time DAs, with 17 percent of respondents reporting 3-5 DAs, 14 percent reporting 7-10 DAs, seven percent reporting 15-16 DAs, and 14 percent reporting 22-33 full-time DAs on staff. Also, 62 percent of offices (18 counties) reported having 0-2 part-time DA; 24 percent reported having 3-5 part-time DAs, and 14 percent of counties (only four counties) said that they have 6-11 part-time DAs on their staff.

**Table 6.1**  
**Total Number of District Attorneys by Reporting Counties**  
**(29 counties reporting)**

<b>Full-time DAs</b>	<b>Number</b>	<b>Percent</b>
0-2	14	48
3-4	5	17
8-10	4	14
15-16	2	7
22-33	4	14
<b>Part-time Das</b>	<b>Number</b>	<b>Percent</b>
0-1	18	62
2-4	7	24
6-11	4	14

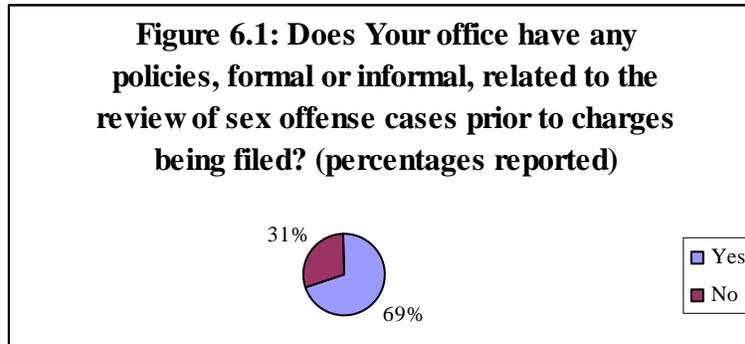
Respondents were asked to estimate information about the number and type of cases handled by their offices for the year 2004. As indicated in Table 6.2, the 29 counties reporting say that they handled a total of 9,555 juvenile cases in 2004. The average for these counties is 398. Of these juvenile cases, about 492 of them were sex offender cases, an average of 17 per county. This means that of the juvenile cases reported being handled by the local District Attorney Offices who responded to the survey, five percent of them were sex offense cases.

Also shown in Table 6.2 is information about adult cases handled in these 29 counties in 2004. As indicated, a total of 55,467 cases were handled during that year by these local DA offices, an average of 2054. Of these cases, about 3,013 of them were sex offense cases, or an average of 137. This means about five percent of all adult cases handled by DA offices in these 29 counties in 2004 were sex offense cases.

**Table 6.2**  
**Summary Statistics Regarding Cases Handled by Local DA Offices**

Juvenile cases	20-1,500	Mean/Average = 398	Total = 9,555
Sex offense cases	3-114	Mean/Average = 11	Total = 492
Sex offense cases represent five percent of all juvenile cases			
Adult cases	40-6,800	Mean/Average = 2,054	Total = 55,467
Sex offense cases	5-719	Mean/Average = 137	Total = 3,013
Sex offense cases represent 5% of all adult cases			

When it comes to whether local DA offices have any policies, formal or informal, related to the review of sex offense cases prior to charges being filed, Figure 6.1 reveals that only 69 percent report having such a policy. Thirty-one percent of counties responded “no” to that question.

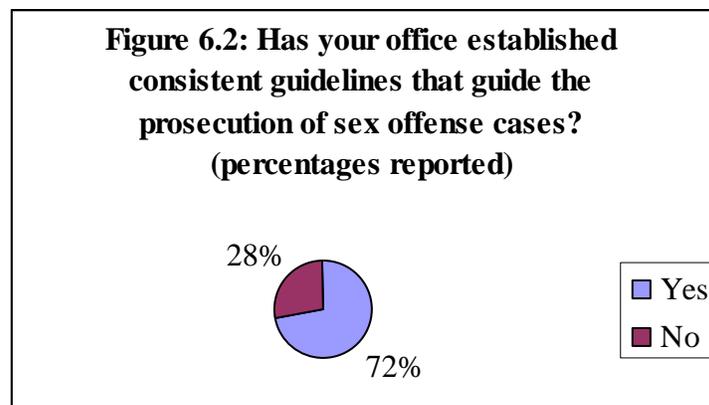


### **Summary of “If Yes” Please Describe Those Policies**

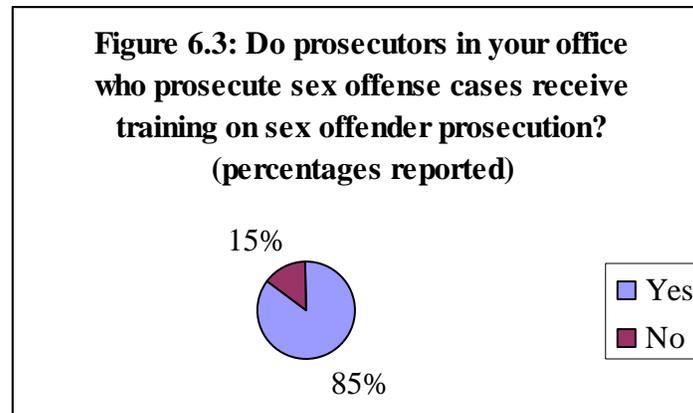
If respondents reported having such a policy, they were asked to describe it. The responses to that open-ended question are best summarized below:

- All cases reviewed and approved by a DA prior to filing a complaint.
- DAs participate in approval of filing and in the drafting of the complaint.
- DA must interview victim prior to filing a complaint.
- DAs Participate in investigating the complaint with the police and work together to draft the charges.
- Investigating officers meet and discuss the case.
- There is a sexual assault protocol in place.

Counties were next asked about guidelines that guide the prosecution of sex offense cases. As shown in Figure 6.2, a clear majority (72%) of counties responded “yes” to that question. Twenty-eight percent of respondents, however, reported that their office has not established guidelines that guide the prosecution of sex offense cases.

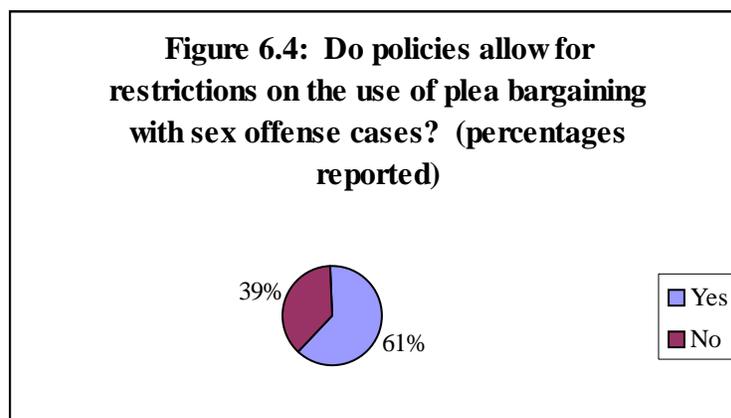


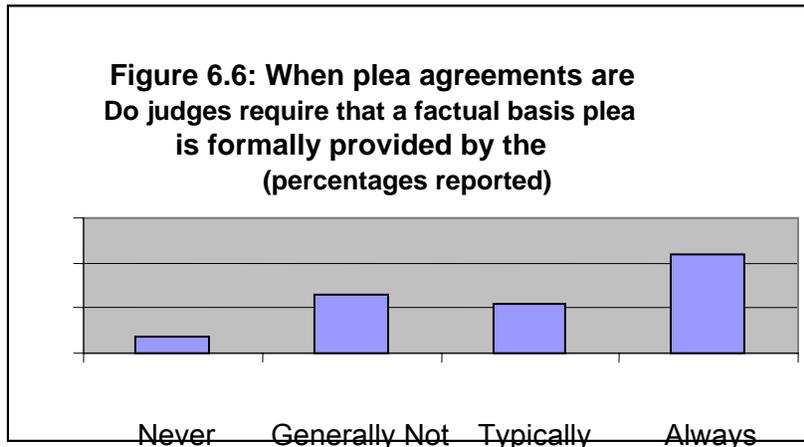
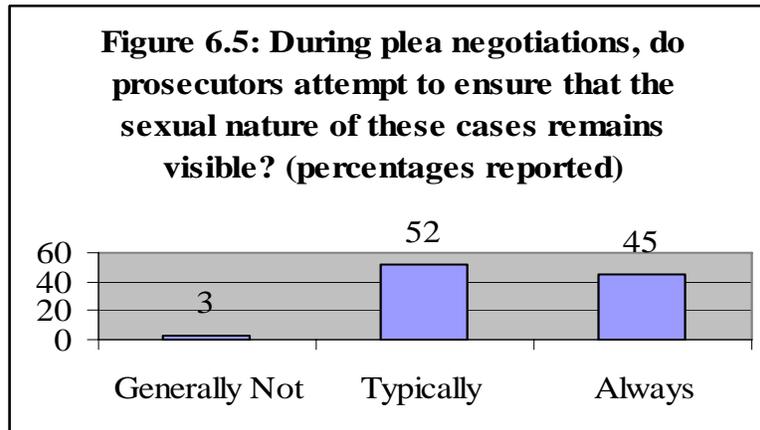
As shown in Figure 6.3, 85 percent of DA offices appear to have special training for attorneys who prosecute sex offenders. Fifteen percent of offices responded “no” to that question.



### **Issues Related to Plea Bargaining**

Several questions asked respondents from DA offices about their practices associated with plea bargaining sex offense cases. First, and as shown in Figure 6.4, 61 percent of counties say that they have policies in place that allow for restrictions on the use of plea bargaining with sex offense cases. Almost all counties (97%) say that either “typically” or “always” attempts are made to ensure that the sexual nature of these cases remains visible (see Figure 6.5). When plea agreements are offered, 44% of DAs say that a factual basis of the plea is formally provided by the offender; 23 percent say that this “typically” occurs, and 26 percent say “generally not.” Seven percent of DAs report that this “never” occurs (See Figure 6.6).





### **Special Units Assigned to Sex Offense Cases**

Only 13 counties reported having a special unit assigned to sex offense cases. For those special units, it appears that most of the time, that “unit” consist of one DA, although three county reported having two DAs assigned to handle sex offense cases, and three counties reported having three or more (up to nine) assigned to those cases. The range of cases handled by prosecutors who are assigned to handle sex offense cases is 2 – 35, with eight counties reporting that such DAs handle both adult and juvenile cases. Only four counties reported that their DAs assigned to sex offense cases handle only adult cases.

### **Charging Decisions for Sex Offense Cases**

The next series of questions included in the District Attorney Survey asked about charging decisions in sex offense cases. A first question (see Table 6.3) asked, “Thinking only about sex offender cases, who makes the charging decisions in your county?” Seventeen counties (59%) responded “DA’s office” with 14 percent (4 agencies) responding “arresting law enforcement agency.” Eight departments reported that both the DA and the local law enforcement agency work together when it comes to charging decisions.

**Table 6.3**  
**Thinking only about sex offender cases, who makes the**  
**charging decision in your county?**  
**(N = 29 counties responding)**

	Number	Percent
DA's office	17	59
Arresting law enforcement agency	4	14
Other	8	28

Other responses: "Normally, both DA and law enforcement agency."

County DA offices were next asked, "Using your best estimate, what percent of sex offense cases under review by your office contain sufficient admissible evidence to support the filing charges?" Responses ranged from 10 - 98 percent, with 17 counties reporting 75 percent or higher.

They were next asked, "Of those cases, what percent would you say are plea bargained to a lesser charge?" Eleven counties reported "25 percent or less; eight counties reported 30 - 50 percent; and, four counties reported 60 - 80 percent.

When asked, "In your opinion, why would you say these cases are plea bargained to a lesser charge," respondents most often cited lack of evidence followed by having a reluctant victim. In some cases, respondents cited "victim not a good witness" or "having a child victim" or "certainty of conviction" A few counties also mentioned "in order to protect the witness."

One question asked DA offices to estimate what percent of their sex offense cases they believe actually go to trial each year. As shown in Table 6.4, the greatest response was in the range of "5 - 12 percent." Two counties did report, however, that at least half of sex offense cases in that particular county actually go to trial. For those sex offense cases that do go to trial, DA offices report that about 13 - 100 percent of them result in a conviction. The most common range on that particular question was "80 - 100 percent" (representing 16 counties).

**Table 6.4**  
**Of those cases in which charges are filed, what percent would**  
**you say actually go to trial?**  
**(24 counties responding)**

	Number	Percent
1-2%	5	21
5-12%	13	54
15-20%	4	17
50%	2	8

Note: Of those, in what percent of them result in a conviction?  
 Range = 13 -100%; Most common = 80-100% (16 counties)

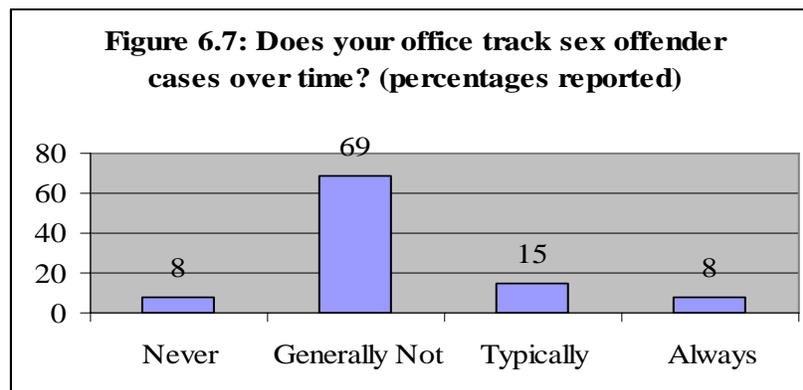
Almost all, (93%) of reporting counties said that their office sometimes plea bargains cases that involve mandatory sentences (e.g., a case that would involve involuntary deviant sexual intercourse of a 15-year old). Seven percent of respondents said “no” to that question. When asked why such a practice occurs, comments were given that range from “lack of proof,” to “a sex charge would not be winnable.”

Other comments include:

- Lack of cooperation from the witness;
- Limit powers of the court;
- Defendant’s Prior record; and
- Victim wants to avoid a trial.

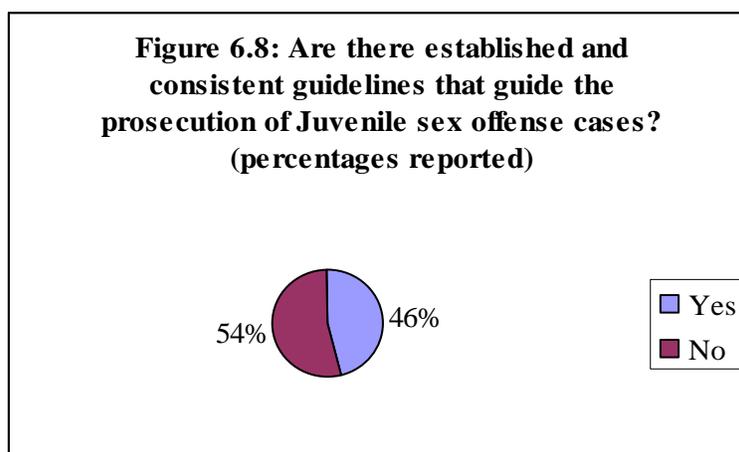
### **The Tracking of Sex Offense Cases over Time**

Local DAs were next asked, “Does your office track sex offender cases over time?” As shown in Figure 6.7, most counties (77%) responded either “never” or “generally not.” Eight percent of counties, however, report the local DA’s office “always” tracks these cases over time.



### **Prosecuting Juvenile Sex Offense Cases**

A majority of DA offices reported that there are no established and consistent guidelines when it comes to prosecuting juvenile sex offense cases (see Figure 6.7).



Eighteen counties reported that DAs who handle juvenile sex offense cases receive specialized training on juvenile sex offender prosecution.

Thirteen counties reported that juvenile sex offender are “generally not” waived to the adult criminal court for prosecution; nine counties reported “typically” to that question.

### **Victim Issues**

All 29 counties reporting said that they either “typically” or “always” make sure that interested victims remain fully informed during the prosecution and sentencing phases of sex offense trial. Twenty-seven counties also reported that they ensure that victims have a voice through victim impact statements or testimony.

Almost all counties (26 of 29 reporting) say that they have a designated victim-services unit or individual in their offices. Ten counties also reported there is a community-based victim services office to assist victims.

All 29 counties responding said that they either “typically” or “always” ensured that victims are consulted prior to finalizing plea agreements.

When it comes to ensuring that victim sensitivity is maintained through special accommodations if legally viable (limited appearances, videotaped or closed-circuit testimony, etc.), 23 counties reported either “typically” or “always” with only three counties reporting “generally not.”

### **Additional Information**

Twenty counties reported that when defendants remain in the community pre-trial, judges order special bail conditions. Only eight counties reported “generally not.”

Twenty-one counties reported that they would like to participate in a regional symposium on best practices associated with managing and treating sex offenders.

## Findings from Department of Corrections Survey

Twenty-four completed questionnaires were received from the PA Department of Corrections' Security Corrections Institutions (SCIs). A first asked question reveals that 22 SCIs reported treating sex offenders within those facilities (See Table 7.1). Only two SCIs reported treating female sex offenders and one SCI reported treating juvenile sex offenders.

**Table 7.1**  
**Characteristics of Sex Offenders Who Receive Treatment at SCIs**  
**(N =24 facilities reporting) (in numbers)**

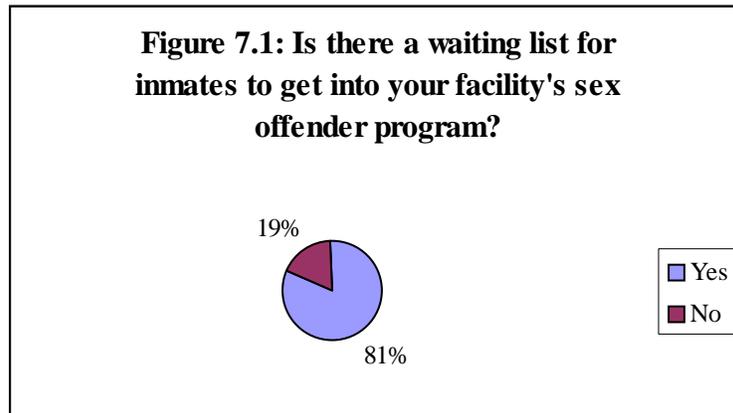
	<b>Yes</b>	<b>No</b>
Overall	22	2
Females?	2	22
Adolescent sex offenders?	1	23

A follow-up question asked about the manner in which sex offender treatment is provided. As shown in Table 7.2, 12 facilities reported that such treatment is provided on an outpatient basis, 10 reported "in the residential setting" and four SCIs reported that such treatment is provided within a therapeutic community setting.

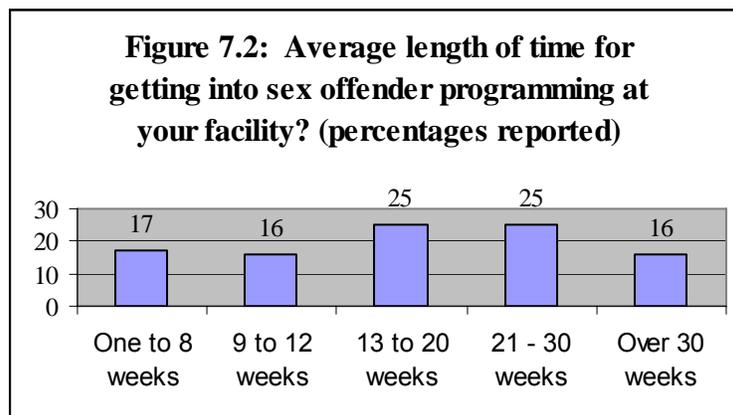
**Table 7.2: For those sex offenders you do treat, are any of those services**  
**(N = 24 facilities reporting) (in numbers)**

	<b>Yes</b>	<b>No</b>
Provided on an outpatient basis?	12	12
Provided in residential setting?	10	13
Provided with a therapeutic community setting?	4	18

The data in Figure 7.1 reveal that 81 percent of SCIs report that there is a waiting list for sex offender treatment at their facility. Nineteen percent that there is no waiting period for such treatment.



When asked about the average length of time for getting into a sex offender program within PA's SCIs, and as shown in Figure 7.2, the most common responses were "13 - 20 weeks" and "21-30 weeks." Sixteen percent of SCIs, however, reported a waiting period for sex offender treatment program of over 30 weeks.



### **Background Characteristics of Staff who Treat Sex Offenders**

Respondents were asked to report on the educational level of staff that treat sex offenders within their facility as well as information about bilingual staff. Table 7.2 reveals a range of education levels of treatment staff across the 24 facilities that reported. It further reveals that very few bilingual staff are working with sex offenders in PA's SCIs.

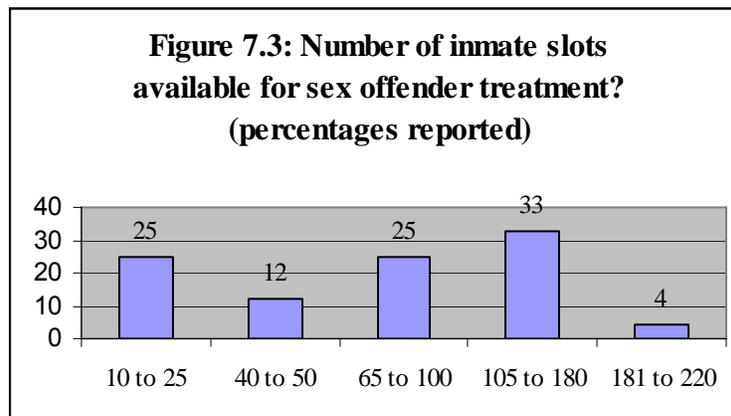
Responses to one final group of questions regarding the qualifications of staff include: (1) most SCIs report that none of their staff are associated with ATSA or PA-ATSA; and (2) about 22 treatment providers within the SCIs are reported as being licensed by the State of Pennsylvania. The most common response was "psychologist" followed by "counselors."

**Table 7.3**  
**Background Characteristics of Staff Who Treat Sex Offenders in PA's SCIs**  
**(N = 24 facilities reporting)**

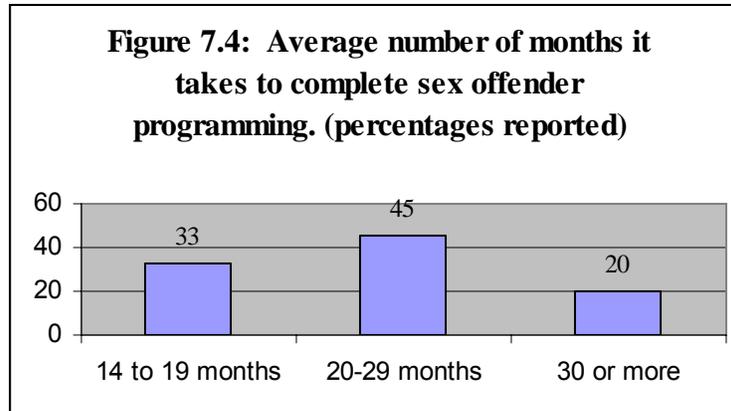
	<b>Reported in Numbers</b>
<b>Staff at doctorate level</b>	
None	15
One	7
Two	1
<b>Staff at master's level</b>	
One	5
Two to four	13
Five or more	6
<b>Staff at bachelor's level</b>	
None	9
One to two	9
Three to five	2
<b>Number of Spanish-speaking staff</b>	
None	21
One	2
<b>Number of other bi-lingual staff</b>	
None	22
One	1
<b>Number of staff that are ATSA members</b>	
None	16
One to two	7
<b>Number of staff that are PA-ATSA members</b>	
None	17
<b>Number of staff who are licensed by the state</b>	
None	2
One to two	19
Three	3

### **Number of Inmate Slots Available for Sex Offender Treatment**

As shown in Figure 7.3, there is a range of reported sex offender treatment slots in PA's SCIs. Twenty-five percent of SCIs report a range of 10 - 25; 12 percent report a range of 40 - 50; 25 percent a range of 65 - 100; 33 percent a range of 105 - 180; and, four percent report a range of 181 - 220.<sup>3</sup>



When it comes to the average number of months it takes to complete sex offender programming, Figure 7.4 reveals that the most common range given was “20-29 months.”



<sup>3</sup> The exclusion of some numbers (e.g. 26 to 39 or 51 to 64) is deliberate because these numbers were not reported by the SCIs.

**Size of the Treatment Population and Length of Stay of Sex Offender Population**

SCIs report a range of 10 - 95 when it comes to average number of inmates who complete sex offender programming. They further report an average of the number of sex offenders who are treated each year in a range from 12 - 225.

Additional information reveals that the:

- Average number of sex offenders in a group;
- Range = 3 - 28;
- Average number of contact hours weekly;
- Range = 1.5 - 15;
- Average length of group treatment sessions in minutes;
- Range = 75 - 150;
- Average individual sessions attended by clients per month;
- Range = 0 - 4.

A summary of the type of sex offenders in treatment at the time of the survey are reported in Table 7.4 on the following page. We asked respondents to tell us the “percent of current inmates who are...” with the categories of rapists, statutory rapists, incest (intrafamilial) child abusers (extrafamilial), and non-contact abusers.

**Table 7.4**  
**Type of Sex Offenders in Treatment at time of the Survey**  
**(N = 24 facilities reporting)**  
**(Reported as “percent of current inmates who are....”)**

	Number	Percent
<b>Rapists</b>		
0-10%	5	24
11-20%	8	29
21-40%	6	29
41-60%	4	19
<b>Statutory rapists</b>		
0-10%	11	52
11-25%	9	43
Over 25% and up to 35%	1	5
<b>Incest (intrafamilial)</b>		
Up to 10%	7	33
11-20%	7	33
Over 20% and up to 50%	7	33
<b>Child abusers (extrafamilial)</b>		
Up to 20%	6	29
20-40%	9	43
Over 40% and up to 80%	6	29
<b>Non-contact abusers</b>		
Up to 4%	10	50
Over 4% and up to 24%	10	50

### **Special Services Provided to Sex Offenders in Treatment Programs**

Six questions were included in the DOC survey that asked about special services provided as part of sex offender treatment programming. As shown in Table 7.5 on the following page, only two facilities report having a separate group for statutory rapists with three facilities reporting having a separate group for deniers. Also, only three facilities reported having a separate group for the hearing impaired, with 12 SCIs saying that they have a separate group for the developmentally disabled inmate. Finally, 15 units report having services for the psychiatrically disordered abuser.

**Table 7.5**  
**Type of Sex Offender Special Services Provided in PA's SCIs**  
**(N = 24 facilities reporting)**

	Number	Percent
<b>Separate group for statutory rapists?</b>		
Yes	2	8
No	22	92
<b>Separate group for deniers?</b>		
Yes	3	13
No	21	87
<b>Admitters and deniers in the same group?</b>		
Yes	8	33
No	16	67
<b>Hearing impaired sexual abuser services?</b>		
Yes	3	13
No	21	87
<b>Developmentally disabled abuser services?</b>		
Yes	12	50
No	12	50
<b>Psychiatrically disordered abuser services?</b>		
Yes	15	63
No	9	37

### **Arousal Control Techniques Used With Sex Offenders**

Only five facilities reported using covert sensitization with sex offenders and one facility reported using verbal satiation. Two facilities reported using minimal arousal conditioning and one facility reported using modified aversive behavioral rehearsal. Two facilities reported using other techniques (e.g., directed masturbation or muscle relaxation) with sex offenders receiving treatment within their facility.

### **Type of Assessment Instruments Used by SCI Staff**

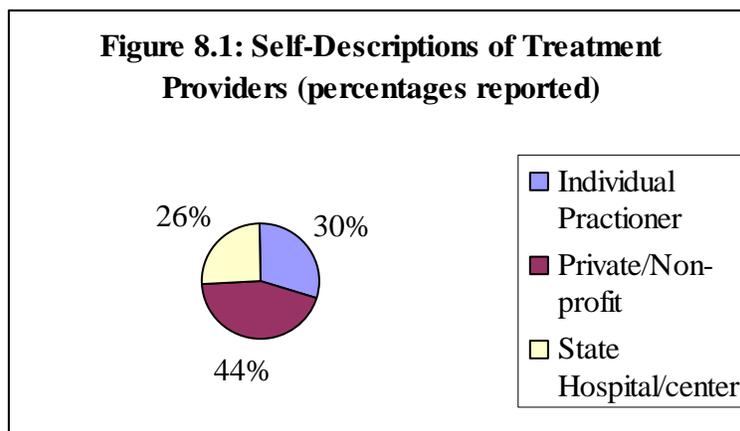
Eight facilities reported using the MMPI and no facilities reported using MnSOST-R. Also, no facilities reported using any version of the MSI and only three facilities reported using PCL-R/PCL:SV. Only one facility reported using RRASOR and no facilities reported using SONAR. Eight facilities reported using STATIC-99. No facilities reported using SVR-20, no facilities reported using VASOR, and no facilities reported using VRAG/SORAG. Finally, eight facilities reported using "other" assessment tools (e.g., a sex offender data questionnaire, an interview panel, risk factors as identified by the DOC, etc.).

**Additional Information**

- Eighteen facilities (78%) reported that there is a “Waiver of Confidentiality” required for admission in to a DOC sex offender program.
- All of those facilities who responded said that they do exchange information between probation/parole officers and/or caseworkers.
- Only 3 facilities (13%) said that the parole officer attends sex offender group sessions.
- Almost two-thirds (65%) of SCIs reported sending reports to the PO “on a regular basis.” The remaining facilities reported sending reports to the PO “on a somewhat regular basis” or “occasionally.”
- Eighty-seven percent (21) of facilities reported that they do not exchange information with victim advocates.
- Almost all (23 units or 96%) reported that the sex offender’s family is NOT educated to be part of the offender’s support system.

As shown in Figure 8.1, about half (51%) of respondents self-identify themselves as a “private/non-profit” provider. Thirty-six percent self-identify as an “individual practitioner,” and the remaining 13 percent say that they are part of a “state hospital/center.”

**Findings from the Sex Offender Treatment Provider Survey  
(N = 38)**



**Table 8.1**  
**Background Characteristics of Treatment Providers**

	<b>Reported in Numbers</b>
<b>Staff at doctorate level</b>	
None	16
One	12
Two	5
Three to nine	7
<b>Staff at master's level</b>	
None	2
One	13
Two to four	17
Five to 22	11
<b>Staff at bachelor's level</b>	
None	13
One to two	18
Three to six	10
<b>Number of Spanish-speaking staff</b>	
None	32
One or more	11
<b>Number of other bi-lingual staff</b>	
None	37
One or more	4
<b>Number of staff that are ATSA members</b>	
None	10
One to two	21
Three to five	11
<b>Number of staff who are licensed by the state</b>	
None	7
One to two	23
Three or more	12

When asked, “For those who are licensed by the State of Pennsylvania, what type of licensure do they hold,” responses were as follows:

- Psychiatrist
- Psychologist or counselor
- Social worker
- MD/Physician.

The most common response was “licensed psychologist” followed by “licensed social worker.”

### **Characteristics of Sex Offenders Treated by Providers Responding to the Survey**

All respondents reported treating male sex offenders with a range of 1 - 175 and an average of 34 clients reported. Thirty respondents reported treating female sex offenders with a range of 0 - 11 an average of 2. Twenty-nine reported treating adolescent sex offenders with a range of 0 - 60 and an average of 13.

### **Provision of Special Services**

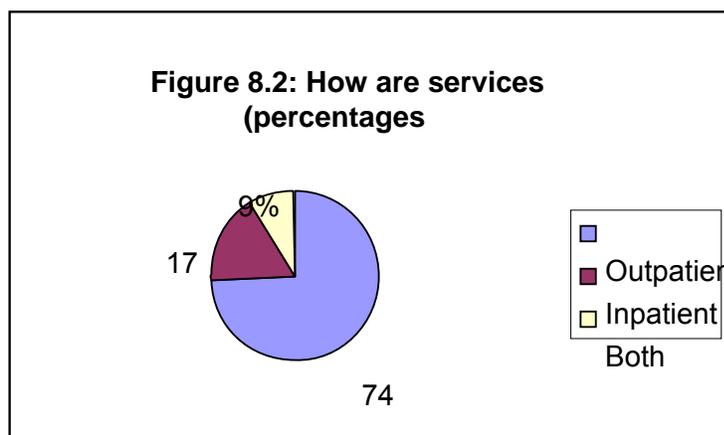
Respondents were next asked, “Do you provide any of the following special services?”

- Twenty-nine respondents (67%) said that they provide services to the female sex offender.
- Ten respondents (23%) said that they provide services to the hearing-impaired sex offender.
- Over two thirds (69%) said that they provide services to the developmentally disabled abuser.

### **When these services are provided....**

- Fifteen facilities (44%) said that separate groups are held for female abusers.
- Only two facilities said that a separate group is held for the hearing impaired abuser.
- 38 percent of respondents reported having separate group meetings for the developmentally disabled.

A follow up question asked, “If you answered yes to any of the preceding questions, are services provided on an outpatient or inpatient basis?” As shown in Figure 8.2, a majority of respondents (74%) said that they provide those services on an “outpatient” basis, 17 percent on an “inpatient” basis, and nine percent of respondents said that those services are provided through both outpatient and inpatient means.



### **Nature of Services Provided**

When it comes to waiting lists for services, only eight providers (20%) answered “yes” to that question with 32 providers (80%) reporting that there is no waiting list for treatment.

The typical group size is 8, but some respondents report holding groups of 9 or more, with one provider reporting one group of 50 clients. The most common “therapist to client ratio” is reported as 2:8; three providers reported this as “1:4.”

About half (49%) of respondents say that physiological assessments of sexual arousal, preference, or interest are conducted routinely. All but four respondents (13%) say that they are specially trained in the use of physiological assessment techniques. A majority (31 respondents or 94%) report that when such assessments are used, the information is shared with other professionals responsible for the management of those cases.

Respondents were also asked about the use of polygraphs for assessment purposes. Twenty-six respondents (62%) reported using the polygraph for this purpose. Almost all (28; 90%) of respondents reported that the information gained from the use of a polygraph is used to inform the development of treatment and supervision plans as part of a more comprehensive approach to sex offender management.

A clear majority of respondents (35; 83%) said that they utilize specific risks/needs assessment tools to inform the development of supervision case plans. Those assessment tools include: ERASOR, J-SOAP-II, RAZOR, SONAR, STATIC-99, MnSOST, Hare-PCL, MMPI-2, SAI-J, Abel, Million Clinical, Plethysmograph, SASSI-3, etc.

Over half of respondents (60%) reported that psychiatric or pharmacological evaluations are routinely conducted for most or all sex offenders as a part of an overall assessment strategy. Eleven providers (33%) said that some psychiatric or other medical professionals who conduct such evaluations have no special training in those techniques, with 67 percent (22) providers saying that their staff who do use these techniques receive specialty training. Almost all (35; 92%) of providers said that recommendations from psychiatric or pharmacological evaluations are used to inform the development of case plans.

Ninety-five percent (41) treatment providers reported that they make use of psychosexual or sex offender-specific evaluations that are conducted by “qualified clinicians with specialized training and experience in sex offender management.” Almost all (41; 95%) of respondents said that the results of these evaluations are shared with others how are “involved in the multidisciplinary treatment team to inform decision making.”

Respondents were next asked a series of questions about specific components of sex offender-specific evaluations. Findings associated with those questions are shown in Table 8.2 below. It appears that treatment providers, by and large, include these 12 key components of psychosexual or sex offender-specific evaluations.

**Table 8.2**  
**Do initial psychosexual or sex offender-specific evaluations**  
**routinely include the following?**

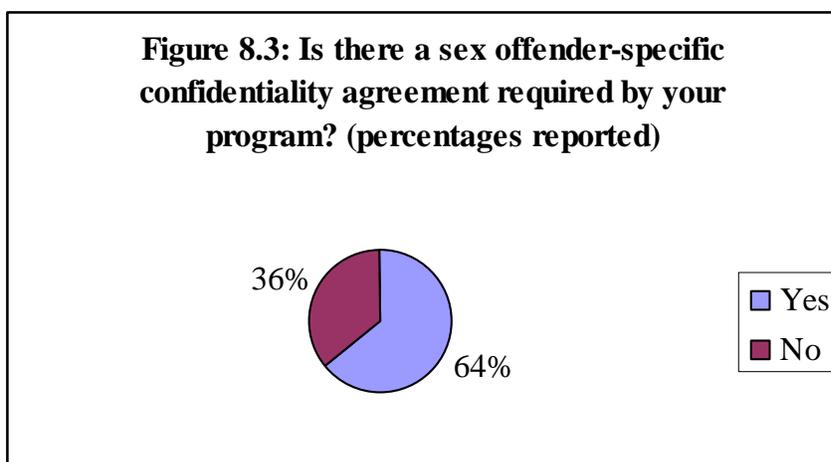
	Yes		No	
	Number	Percent	Number	Percent
Clinical interview w/offender?	43	100	--	--
Interviews w/collaterals?	30	73	11	27
Review of relevant historical records?	43	100	--	--
General psych tests and inventories?	30	71	12	29
Sex offense-specific tests and inventories?	36	86	6	14
Detailed sexual history?	41	95	2	5
Level of risk?	40	93	3	7
Criminogenic needs to be targeted?	36	84	7	16
Responsivity factors that may impact understanding of and engagement in treatment and supervision inventories?	36	84	6	14
Amenability to treatment and supervision	42	98	1	2
Environmental considerations?	43	100	--	--
Recommended intensity of treatment?	42	98	1	2

### **Policies Addressing the Treatment of Sex Offenders**

Several questions were included in the survey of sex offender treatment providers to address policies and types of treatment provided to this particular population. Those data are summarized on the next page.

- 81 percent of respondents reported having policies, standards, or guidelines in place that direct the conduct of sex offender treatment. This represents 24 out of 42 respondents.
- 77 percent (33 out of 43 respondents) said that they have policies, standards, or guidelines that require that sex offender treatment programs adhere to a common model or theoretical approach to ensure continuity and consistency of services.
- 86 percent of respondents said that “clinical supervision is provided routinely for staff conducting treatment.”
- 42 providers (98%) reported that they use a cognitive behavioral approach to treatment.
- All but one of the 43 respondents said that relapse prevention components are incorporated into the treatment approach.
- All but three (93% or 40 providers) said that treatment services are “tailored to meet the unique needs of individual offenders”.
- 37 providers (86%) of respondents reported that treatment services are commensurate with level of risk and need.
- 93 percent (39 individuals) of the sample said that they follow ATSA standards.
- Only five providers reported using aversive treatment techniques with four of them stating that they have an ethics committee that approves these techniques.
- 93 percent of providers said that their treatment program includes a victim empathy component.

When it comes to the question of, “Is there a sex offender-specific confidentiality agreement required by your program,” and as shown in Figure 8.3, almost two-thirds (64%) of providers answered “yes” to that question (representing 27 providers). Thirty-six percent of respondents said, “no” (representing 15 providers).



### **The Exchange of Information Between Treatment Providers and Probation/Parole and Victim Advocates**

There were a series of questions that asked treatment providers the nature of the exchange of information between parole/probation officers. Additional questions asked about the nature of the exchange of information between the providers and victim advocates.

- When asked, “How is information exchanged between probation/parole officers and therapists or caseworkers,” respondents stated:
  - Bi-weekly phone contact or monthly reports;
  - Briefings, observations in group, or the sharing of assessment outcomes;
  - Information is shared daily;
  - Treatment plan reviews by the officers;
  - Routine visits by officers;
  - Through letters to the court;
  - Verbally through phone conversations;
  - Progress and attendance reports; and
  - In person.

Twenty-three (55%) of providers say that parole/probation officers “never” attend meetings of the treatment groups; fourteen (33%) say that officers attend “sometimes”, and five providers (12%) report that officers attend group meetings “often” or “always.”

When it comes to exchanging information with victim advocates, 54% (22 providers) say that they do take that step with 19 providers (46%) answering “no” to that question.

Of those who do exchange information with victim advocates, responses were very similar to those listed above for how information is exchanged between the providers and parole/probation officers.

#### **Additional responses include:**

- Coordinated with therapists;
- Empathy interviews and team meetings;
- Incorporated into victim impact statements;
- Include victims in offender treatment;
- Victim advocate may contact parole, and then parole office conveys the needed information; and
- Mostly when involving offender-victim clarification.

### **Individuals Routinely Included as Part of a Sex Offender Multidisciplinary Team**

Providers were asked to list individuals that are routinely included as part of a multidisciplinary team (e.g. family members, victim advocates, mental health advocates, probation/parole, etc.). A review of the open-ended responses to that question reveal that all 43 respondents answered that question. The typical response to that question is “family members, victim advocate, mental

health advocate, probation/parole officer and treatment staff.” Most providers listed some combination of these individuals with some adding “clergy, Children and Youth Services, and halfway house, employees, and correctional staff.”

It is interesting to note that a small number of respondents indicated that they do have a multidisciplinary team in place.

### **Responses Given in the Open Ended Comments Question of the Survey**

#### **CART – Community Abuse Response Team: #3**

In the future, if you are looking for individuals to serve on the SOMT, I would be honored to be considered. Thank you, Audrey Smith

#### **Psychological Services Clinic, Inc.: #5**

Scott Gallagher: The state of Pennsylvania should develop a network in which information could be shared to gather more treatment options/information. More pressure should be placed on court services to mandate treatment. Also, crimes labeled as sex crimes should be reviewed to get a better assessment of treatment needs.

Donna Pinter: We have been providing treatment for sexual offenders for over 18 years. We are licensed for MH and D&A. Finances for appropriate treatment are a major problem.

#### **Ministries of Eden: #7**

The director is licensed in the state of Virginia under the Board of Psychology as a SEX OFFENDER TREATMENT PROVIDER. No such license exists in PA, so it can't be transferred.

#### **Matthew Opresso: #10**

As well as my job at the Tx Center, I also “supervise” clergy offenders who no longer have a ministry. We modeled our supervision program after the model in Colorado – Kim English’s Program.

#### **Alma Wisniewski: #12**

Good clinical supervision and support and multidisciplinary teamwork are imperative in this work.

#### **Dr. Allen H. Ryen: #13**

I am a solo practitioner, who no longer does therapy as such except under very unusual circumstances. I am an MDT, and do consultations with various PO, JPO, MH, and CYS agencies. Thank You, Allen Ryen.

#### **Dr. Donald G. Myers: #14**

I am the only person in the Lackawanna County Prison Sex Offender Treatment Program starting part-time and then full-time for the past 33 years.

**Community Mental Health Services: #23**

We are always learning...

**Northwestern Academy: #24**

I would like to see a Certification process for treatment providers for both juvenile and adult abusers.

**Somerset County Counseling and Treatment Center: #26**

We would like to begin using the polygraph, have not been able to find funding to assist low income offenders, while most fall under this category. Even if they could pay the fee (with installment payments), need way to pay polygrapher right away. Any info. On this or any other grants, etc. would be helpful.

**Ivan Torres: #31**

Our program utilizes a Sponsor as part of the completion phase. This individual is selected by offender to serve as relapse prevention support post-treatment.

**Allentown State Hospital: #33**

A contract provider conducts a sex offender treatment group as an adjunct to our inpatient psychiatric treatment program. Sex offender specific and distinct treatment services are not provided at our facility.

**Sharp Visions, Inc.: #3**

We provide residential services to people with mental retardation who committed sexual crimes, whether or not they have been charged or convicted of these crimes. Clinical services are also provided under contract and coordinated with the residential service.

**Kathie S. Phelps: #38**

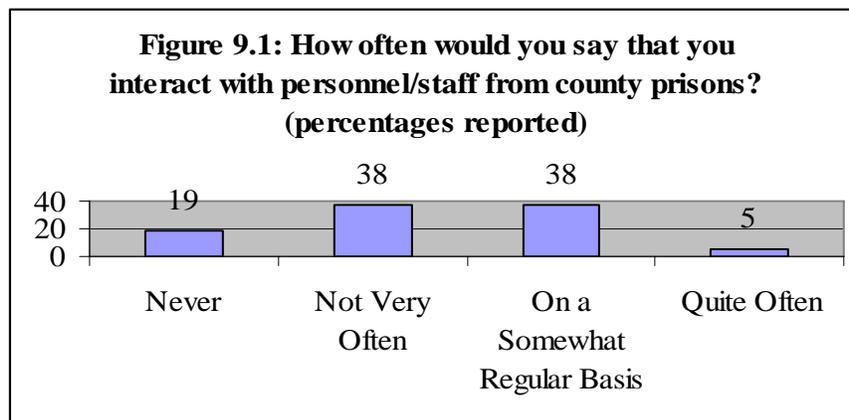
I think there has been a knee-Jerk reaction to tx and supervision of sex offenders. Yes, the onus is on them not to re-offend, but the main focus needs to be ob community education and prevention. Also, the judiciary needs to follow any "time" in prison with a lengthy period of probation, which, in many cases has more "teeth" than parole, in addition to being a therapist for years, I have also been a P.O. in Blair Co. and an agent with PBPP. The People making policies and protocol need to understand the system, and, the people doing the assessments need to have a better understanding of what they are doing.

**Mathom House of Edison Court Inc.: #43**

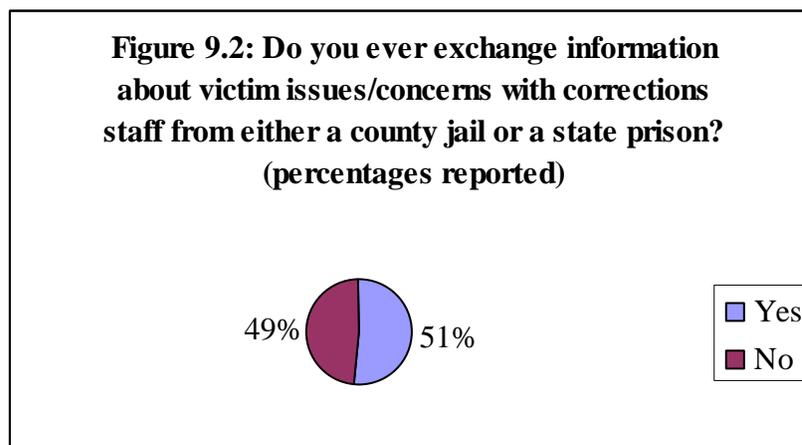
Use of polygraph is essential, partnership with probation/parole essential.

## Survey of Victim Service Providers

Respondents to the victims services providers survey were first asked a series of questions regarding the extent and nature of their interactions with staff/personnel from various departments or agencies. As Shown in Figure 9.1, the majority of respondents (57%) reported having none to very little contact with county prison staff, while 43 percent reported interacting with the county prison staff more frequently.



When respondents were asked if they ever share information about victim concerns or issues with staff from a county jail or state prison, just over half of the respondents (51%) reported “yes.”



Next, respondents who answered yes to exchanging information with county jail or state prison staff were asked to describe the exchange. The following best represents the responses:

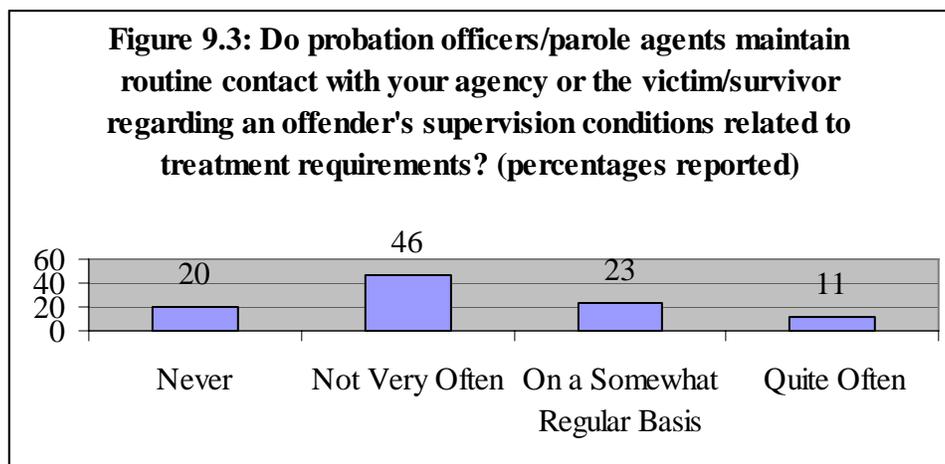
- General, non-specific to any particular victim;
- Discuss victim issues and concerns;
- Discuss ways to improve victim notification;

- Requests for no contact from offenders to victims; and
- Work Release information.

### Interactions with Probation and Parole (County and State)

When asked if the agency interacted with personnel/staff from county adult probation the majority (54%) of respondents reported “On a somewhat regular basis, or quite often.” Forty-three percent (16) of the respondents reported not very often, while one agency reported never interacting with county adult probation personnel/staff.

Respondents were also asked whether probation officers/parole agents maintain routine contact with the agency or the victim about the offender related issues. As shown in Figure 9.3, the majority of respondents said “never” or “not very often” (66%), while 34 percent reported having more frequent contact with probation/parole offices.



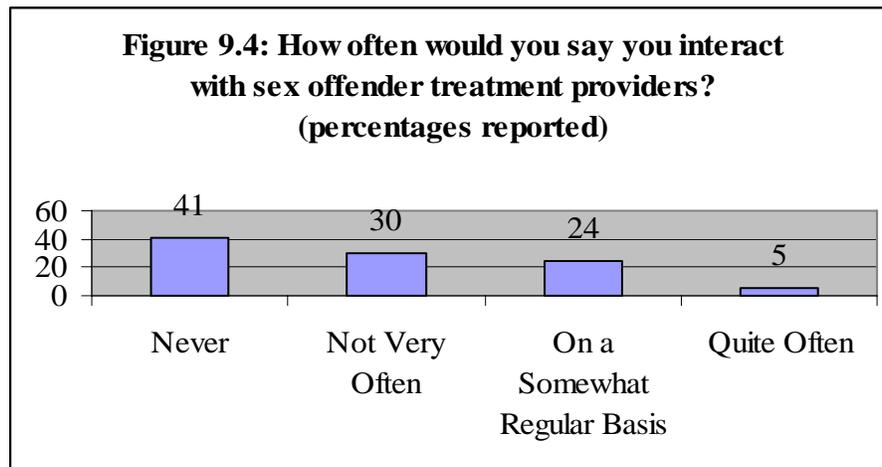
Next were questions asking about interaction with state probation and parole and county juvenile probation. Sixty-two percent reported interacting “on a somewhat regular basis” or quite often” with county juvenile probation personnel/staff while 84 percent responded “never” or “not very often” interacting with state probation/parole personnel/staff. Only six agencies (16%) reported interacting with state probation/parole on a somewhat regular basis; no agencies reported interacting “often” with state probation/parole agents.

In addition, fifteen agencies (42%) reported exchanging information about victim concerns and issues with state probation and parole. Twenty-one agencies (58%) do not exchange this form of information. Respondents were asked to describe the information if they answered “yes” to exchanging information about victim concerns. The following best summarizes the responses.

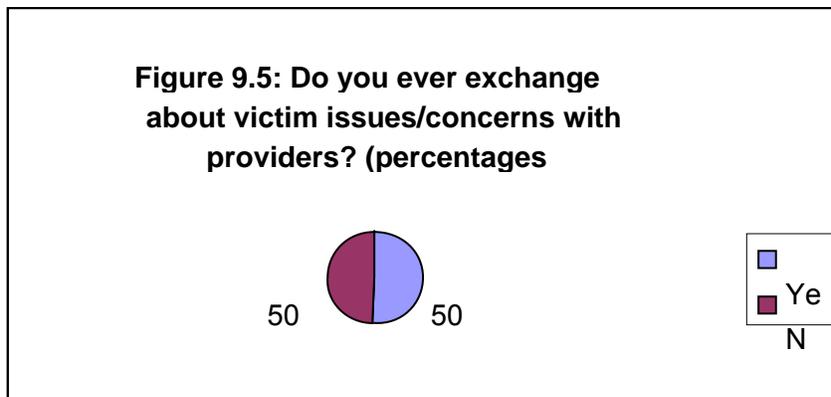
- About victims enrolled in Prison Release Victim Notification Program;
- Speak with agency every two weeks;
- Victim Concerns;
- Victim request information; and
- Discuss parole conditions and possible parole violations.

### Treatment Providers Interaction

As shown in Figure 9.4, the majority of agencies reported “never” or “not very often” interacting with sex offender treatment providers. Only two agencies (5%) reported interacting “quite often” with these providers.



As shown in Figure 9.5, half of the agencies reported exchanging information about victim issues with treatment providers, while half of the agencies do not.

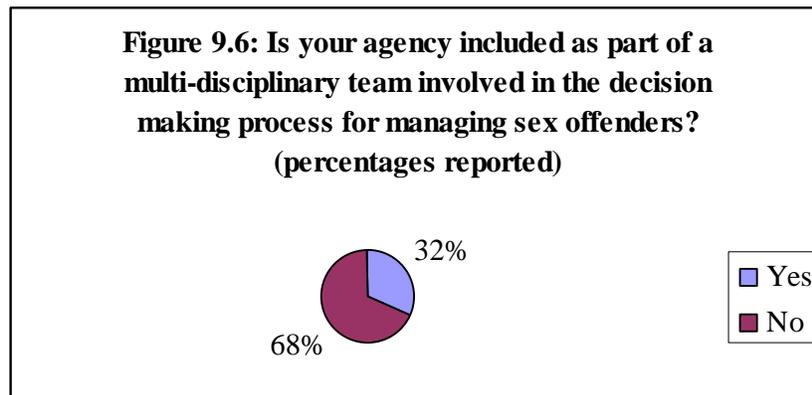


When asked to describe the information that is exchanged with treatment providers, the most common responses were:

- At requested meetings and trainings;
- At victim’s request;
- With victim’s consent, they discuss the victims concerns about safety and contact; and
- Victim’s safety, especially if victim is a child.

**Multi-Disciplinary Team for Decision Making Process for Managing Sex Offenders**

When asked if the agency is part of a multi-disciplinary team involved in making a decision for sex offender management, twenty-five agencies (68%) reported they are not part of such a team while twelve of the agencies (32%) reported that they are part of a team (see Figure 9.6).



A follow up question asked respondents to list what agencies that were involved in the team. The following are the responses to the question:

- Juvenile and Adult Probation (county and state);
- Therapist;
- District Attorney's office and Assistant District Attorney;
- Children and Youth Services;
- Project Point of Light;
- Police Department;
- Victim Services; and
- Mental Health.

**Additional Information on Interactions Between Various Criminal Justice Agencies, Victims and Victim Services Agencies**

Respondents were asked for their perceptions on the various interactions between all the agencies listed above. For several agencies the answers varied, some reported good relations, while others reported poor relations and little interaction. The following descriptions were given:

- We work closely with juvenile probation to provide information to victims.
- We have good collaboration with the criminal justice system.
- We often have problems with management level interaction and their understanding of victim's issues;
- PA State Police has poor interaction with the victim's center.
- The justice system as a whole is not responsive to victim's needs.
- Interaction between the criminal justice system and the victim can be painful.
- Confidentiality limits interactions.

- We have good relations with the District Attorney's office.
- Sometimes it depends on the individual in probation/parole; some officers are more responsive than others; and
- The local police and District Attorney should make more effort to have personal contact with the victim.

### **Victim Sensitivity Issues**

Respondents were asked to rate the above criminal justice agencies on a scale from 1 to ten, on their handling of victim sensitivity issues, with 1 = lowest rating and 10 = highest rating. As shown in Table 9.1, respondents rated all agencies about which they were asked and average of between six and seven (scores that fall in the middle of the scale). Also shown, two criminal justice agencies, local law enforcement and PA State Police, had the lowest ratings. The agencies who received the highest points across the responding agencies when it comes to victim sensitivity were: Local District Attorney/Assistant District Attorney (255 total points), and Local/State Judges (222 total points).

**Table 9.1**  
**Summary Statistics Regarding Victim Sensitivity by Various Criminal Justice Agencies**

<b>Agency</b>	<b>Range</b>		
Local police or law enforcement (32 reporting agencies)	2-10	Mean/Average = 6	Total = 200
Local State Police (35 reporting agencies)	2-10	Mean/Average = 6	Total = 199
Local District Attorney or Assistant District Attorney (36 reporting agencies)	1-10	Mean/Average = 7	Total = 255
Local juvenile probation officers (32 reporting agencies)	1-10	Mean/Average = 7	Total = 216
Local/State adult probation/parole officers (31 reporting agencies)	1-10	Mean/Average = 6	Total = 214
Local/State judges (34 reporting agencies)	1-10	Mean/Average = 7	Total = 222

### **Victim Concerns and Issues**

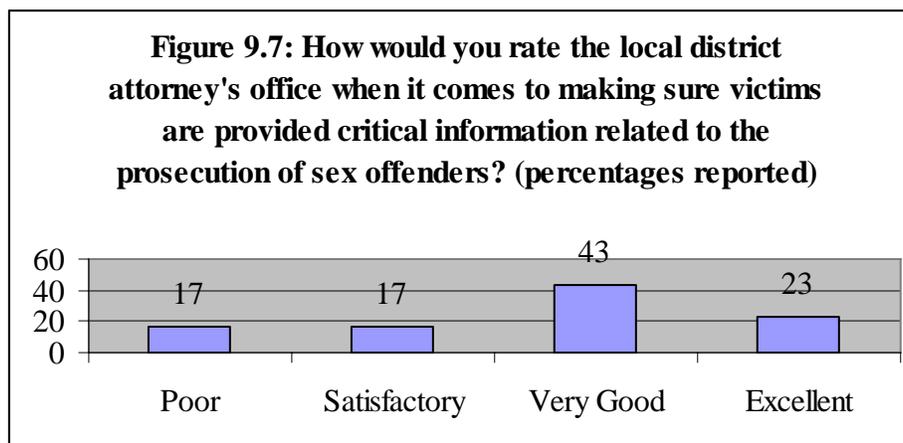
Victim services providers were asked to list the concerns and issues victims have expressed to them. After reviewing the open-ended responses, the answers reveal that the most common fear victims have is fear the offender will re-offend again, including retaliation against the victim themselves and hurting others. This fear was followed by a concern about how much access the offender will have to the victim. Other responses included: concerns about the treatment the

offender was in, conditions of release, and the victim has no notification of the offender's release or whereabouts.

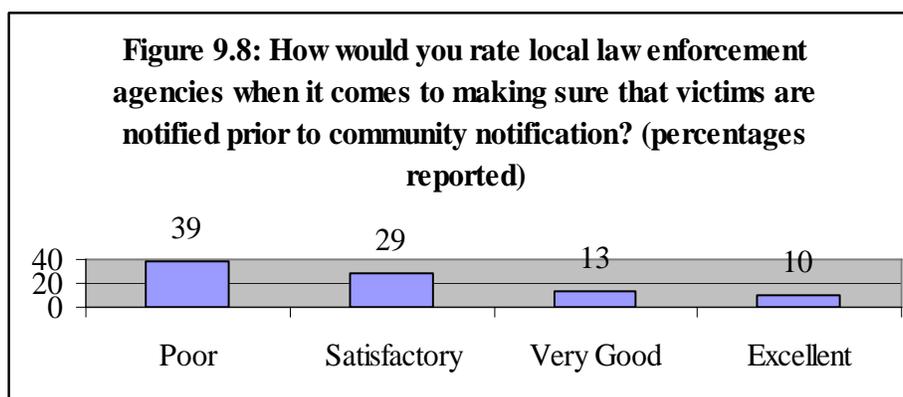
A second question asked providers "What roles or services would you like to see provided to victims whose offenders are incarcerated or under community supervision?" The responses are as follows:

- Affordable counseling and more information about available counseling;
- Increased collaboration between probation and victim advocates;
- Better release notification'
- Better notification about the offender in general, including if they were sent back to jail/prison;
- Constant communication with victim about offender's status;
- Better relationship with probation and parole so the victim has an advocate to meet their needs;
- Need probation and parole to be more sensitive to victim's fears and concerns;
- Offenders should be mandated to attend victim impact panels; and
- More access to information, victims have a hard time getting their questions answered and their concerns taken care of.

When asked to rate the local district attorney's office when it comes to making sure victims are provided critical information, the majority of respondents (23, 66%) reported "very good" or "excellent" (see Figure 9.7).



As shown in figure 9.8, the local law enforcement agencies were more likely to be rated "poor" or "satisfactory". There were three agencies (10%) who were unsure of the rating they would give law enforcement.



### **Responses Given in the Open Ended Comments Question of the Survey**

#### **The Rape and Victim Assistance Center of Schuylkill: #2**

One of the most frightening comments I continue to hear related to statutory sexual assaults are voiced by some law enforcement or criminal systems personnel ‘ “She is 14 going on 40” We desperately need to look at trends involving teens and provide appropriate measures including attitudes to attend to these crimes. In many cases, the perpetrators are over 30 and well aware of the ages of these young women. The dynamics behind these crimes are complex. Yet, even if we are confused by the dynamic, we cannot return to victim blaming. These young women also are displaying some complex needs/behaviors. I feel strongly that we need to explore this area from the viewpoint of the offender and the victim. I believe that the proposed multi-disciplinary collaborative approach developed by OVC in 2000 was impressive. I believe that we need more multi-disciplinary teams locally for sexual assault that include sexual assault centers. The crimes we see today appear to reflect the crimes ignored in the past.”

#### **Lebanon County Victim/Witness Program: #19**

Victims would like to see that the time from when an offender pleads to when they are sentenced is reduced.

#### **C.A.P.S.E.A. INC.: #21 & 26**

Victim Services needs to be involved so that we can be active in what treatment works and what is bad treatment. We also need to set what is empathy and I know I am not saying it well, but we need to be part of the process for our clients and to hopefully help future clients and reduce the amount of future victims.

#### **Abuse and Rape Crisis Center: #24**

Our agency does not work directly with any sex offender management teams or sex offenders in general as we are not funded to do so.

#### **Women Organized Against Rape: #27**

WOAR has minimal involvement with county/state prisons other than providing counseling or educational programs.

**CHAPTER 5 — DYNAMICS & TYPOLOGIES OF SEX OFFENDERS**

## Overview

The purpose of this chapter is to provide staff with basic information about the various types of sex offenders, sexual assault, and deviance. Historically, many different theories have described and explained these behaviors, yet no single theory can fully explain the causes of all sexual deviance or behavior. A combination of many factors may contribute to the development of these behaviors; this is true for other forms of aberrant behaviors. While this chapter includes valuable information about sexual assault and deviance, extensive literature and reference materials are available relative to this subject.

This chapter aims to dispel commonly held myths and beliefs about sex offenders and sexual assault. It also defines and explains terms and typologies commonly used in the treatment and supervision of sex offenders.

## Common Myths and Facts about Sex Offenders and Sexual Assault

### Myth #1:

Most sex offenders repeat sexual crimes or re-offend.

### Fact:

Re-conviction and re-arrest data indicate that rates are not as high as occasionally perceived, especially relative to the rates of the same events for most nonsexual violent and nonviolent crimes. Similarly, the rates vary according to types of sex offenders, and are related to specific characteristics of the offender and the offense. These aspects have been supported, especially in large-scale or meta-analytic studies that have looked at large samples and/or examined multiple prior studies.

It is again apparent that individuals who commit sex offenses are not a homogeneous group, but fall into several different categories. For instance, in one study, child molesters had a 13 percent re-conviction rate for sexual offenses, and a 37 percent reconviction rate for new, non-sex offenses over a five-year period. Meanwhile, rapists had a 19 percent re-conviction rate for sexual offenses, and a 46 percent re-conviction rate for new, non-sexual offenses over a five-year period.

Individual characteristics of the crimes further distinguish recidivism rates. In a study conducted by Harris and Hanson (see bibliography), there was approximately a two times greater rate of re-offense over a 15-year period for:

- Previously convicted sex offenders vs. first time offenders (37 percent vs. 19 percent);
- Male victim child molesters vs. girl victim (35 percent vs. 16 percent);
- Rapists vs. incest offenders (24 percent vs. 13 percent); and
- Offenders over age 50 vs. under age 50 (26 percent vs. 12 percent).

It is important to note that not all sex crimes are reported, solved, or result in an arrest, much less a conviction. For a variety of reasons, many victims of sexual assault are reluctant to

invoke the criminal justice process and do not report their victimization to the police. The reliance on measures of recidivism as reflected through official criminal justice system data (*i.e.*, re-arrest or re-conviction rates) obviously underestimates actual re-offense numbers. However, the precise level of underestimation must be subjected to further empirical analysis, not conjecture.

Furthermore, the issue of recidivism relating to the rate of a particular crime is distinct from the rate of an individual offender's re-offense. For instance, if a subgroup of sex offenders has a very high rate of re-offense, these individuals will have more victims and be at a very different level of risk than other sex offenders. Meanwhile, the overall rate of sexual crimes remains at the same level. Therefore sexual crimes that are largely underreported does not imply that all sex offenders are committing unreported crimes, or at least at an equally high rate.

**Myth #2:**

Only maladjusted individuals with criminal records or severe psychological problems commit sexual assaults.

**Fact**

Not all sex offenders are known criminals and/or are maladjusted. Many believe most rapists or child molesters have severe psychological problems. Conversely, this myth suggests that known criminals or people with mental health problems are the only ones who pose a criminal threat. In fact, sex offenders are a highly heterogeneous, diverse group of individuals who originate from all socioeconomic classes, ethnicities, and are usually not otherwise identified as criminals. This myth perpetuates the erroneous assumption that individuals with the potential for sexual assault can be easily recognized, and by removing the "criminals" and the "maladjusted," public safety can be assured. This engenders a false sense of safety.

**Myth #3:**

Sexual assault rarely happens, but when it does, it is an isolated incident and occurs "out of the blue."

**Fact**

Sexual violence is the most dramatically under-reported crime in the United States. According to the American Medical Association, approximately two-thirds of incidents are not reported. An estimated one in four girls and one in seven boys will be assaulted by the time they reach age 18. Subgroups of offenders may abuse multiple victims. Especially in incest cases, the same victim is repeatedly assaulted. The majority of sexual assaults are not spontaneous, random incidents; rather, they are planned over time as the offender develops a relationship with or "grooms" the victim.

**Myth #4:**

Sexual offense rates are higher than ever and continue to climb.

**Fact**

Despite the increase in publicity about sexual crimes, the actual rate of reported sexual assault has decreased moderately in recent years. Statistics indicate the number of rapes and sexual assaults from the early- to mid-1990s varied between 350,000 and almost 500,000 in persons older than age 12. The arrest rate for all sexual offenses (including forcible rape and excluding prostitution) dropped 16 percent between 1993 and 1998. According to the Federal Bureau of Investigations, a total of 82,653 arrests were logged for all sexual offenses nationwide in 1998, compared to 97,955 arrests in 1993.

**Myth # 5:**

Treatment for sex offenders is ineffective.

**Fact**

Treatment programs can contribute to community safety, because those who attend and cooperate with program conditions are less likely to re-offend than those who reject intervention. The majority of sex offender treatment programs in the United States and Canada now use a combination of cognitive-behavioral treatment and relapse prevention. The latter is designed to help sex offenders maintain behavioral changes by anticipating and coping with the problem of relapse.

Offense-specific treatment modalities generally involve group and/or individual therapy focused on:

- Victimization awareness and empathy training;
- Cognitive restructuring;
- Learning about the sexual abuse cycle;
- Relapse prevention planning
- Coping with pathways to offending;
- Anger management;
- Assertiveness training;
- Social and interpersonal skills development; and
- Changing deviant sexual arousal patterns.

Different types of offenders typically respond to different treatment methods with varying rates of success. Treatment effectiveness is often related to multiple factors, including:

- The type of sexual offender;
- The treatment model used (e.g., cognitive-behavioral, relapse prevention, psycho-educational, psycho-dynamic, or pharmacological);
- The treatment modalities used; and
- Related interventions involved in probation and parole community supervision.

Several recent large-scale studies present optimistic conclusions and data that support the effectiveness of empirically based, offense-specific, and comprehensive treatment programs. Meta-analysis of treatment outcome studies to date has found a significant treatment effect—a

41 percent reduction in the recidivism rate for offenders who participated in treatment, compared to untreated offenders. Research also demonstrates that sex offenders who fail to complete treatment programs are at increased risk for both sexual and general recidivism.

**Myth #6:**

The cost of treating and managing sex offenders in the community is too high; it is better to incarcerate them.

**Fact**

One year of intensive supervision and treatment in the community can range in cost from \$5,000 -\$15,000 per offender, depending on treatment modality. The average cost for incarcerating an offender is significantly higher—approximately \$22,000 per year, excluding treatment costs.

As noted previously, effective sex offender specific treatment interventions can reduce sexual offense recidivism by eight percent. Given the tremendous impact of these offenses on their victims, any reduction in the re-offense rates of sex offenders is significant. Without the option of community supervision and treatment, the vast majority of incarcerated sex offenders would otherwise serve their maximum sentences and return to the community without the internal treatment and external supervision controls to effectively manage their sexually abusive behavior. Managing offenders who are amenable to treatment and can be intensively supervised in the community after incarceration can prevent future victimization, while saving taxpayers substantial imprisonment costs.

**Myth #7:**

If offenders are “caught” and threatened with incarceration, they will stop offending.

**Fact**

Identification of the problem and involvement with the legal system may compel the offender to address the problem, but these factors alone do not assure the offender’s assaultive behaviors will stop. Appropriate intervention involves a comprehensive approach that starts with assessment and, in many cases, on-going treatment, monitoring, and supervision. The recidivism rate for untreated or inappropriately treated sex offenders is high; it is even higher than for sex offenders who complete treatment. In many cases, treatment must address multiple targets and be combined with intense methods of correctional supervision or post-sentence monitoring. A minority of sex offenders may require permanent incapacitation and/or incarceration to protect the public. The possibility of incarceration can motivate the offender to participate in treatment.

**Myth #8:**

Most sexual assaults are committed by strangers.

**Fact**

The vast majority of reported sexual assaults were committed by someone known to the victim. Offenders are usually family members, friends, spouses, employers, coworkers, or known to the victims in some other way. The majority of victims knows and often trusts the offender prior to the sexual assault. Offenders often establish this trust by “grooming” the victim to gain access and ensure the victim will not disclose the sexual assault. The nature of these relationships often amplifies feelings of shame, inability to trust, guilt, confusion about offender and victim roles, and fear within the victim.

Many victims of sexual assault have difficulty identifying their experience as assault, because the offenders were not “insane strangers.” Often, victims who are assaulted by persons close to them have difficulty finding support from friends who disbelieve that a mutual “friend” could assault them. The majority of offenders conduct lives that seem “normal.” Often, this ability to appear functional or to live a “double life” allows offenders to continue abusive behaviors without being caught.

**Myth #9:**

Most offenders are alcoholics or substance abusers, and if they receive treatment for such problems, they will stop offending.

**Fact**

Alcohol or drugs are not valid excuses for committing an offense. While alcohol or drugs may be involved in many cases of sexual assault, these substances are not the cause. Abstaining from alcohol will not guarantee that an offender will not reoffend. Recovering alcoholic offenders are often surprised to discover that their desire for sexually deviant behavior does not end with alcohol abstinence.

**Myth #10:**

Sexual assault is only a women’s issue.

**Fact**

The vast majority of adult victims of sexual assault are women. In fact, the Los Angeles Commission on Assaults Against Women estimates that one of every three women will be assaulted during her lifetime. However, a staggering number of children are also victims of sexual assault. One in four girls and one in seven boys will be assaulted by the time they reach the age of 18. Although men are less likely to be assaulted than women, male sexual assault does occur. Both males and females commit acts of sexual violence, but the vast majority of sex offenders are male. Females are most likely to offend against children.

**Myth #11:**

Sexual assault is caused by the victim’s actions or by how they dress. If women did not make themselves attractive, men would not rape.

**Fact**

Belief in this myth inappropriately places the responsibility for the assault on the victim, rather than the offender. Sexual assault is not a spontaneous crime of sexual passion, but is motivated by power and control. Offenders usually choose victims because of their vulnerability, rather than their socially defined sexual attractiveness. Individuals in positions of lesser power than those around them are at greatest risk. Children and persons with disabilities are often vulnerable to sexual assault.

**Myth #12:**

Child molesters abuse children because they are without an adult partner or due to the failure of a marriage or adult relationships.

**Fact**

Most child molesters have sexual relationships with adult partners. Many offenders are married. Some abuse children because of a need for power and control, or may have certain social, interpersonal, or emotional pathologies that make them turn to children for affection. While strain within a marriage or other adult relationship can contribute to the triggering of individual incidents, it is not a cause or a primary determinant of the offender's assaultive behaviors.

**Myth #13:**

Women cannot commit rape or other sex related crimes.

**Fact**

Although the vast majority of offenders are male, females also commit sexual assaults, usually against children. Pennsylvania law defines any intrusion (by a penis, tongue, finger, or any other object or body part) into the genital or anal areas without the consent of the victim as sexual assault. (Consent is not applicable to children.) Over the last decade, an increasing number of female sex offenders have been identified and prosecuted. As well, an increasing number of programs across the country have begun to admit and treat female sex offenders.

**Myth #14:**

Chemical castration can cure sex offenders.

**Fact**

The use of chemical castration to treat sex offenders assumes the cause of sexual assault is only physical in nature and results from an uncontrollable sex drive. Sexual abuse can be inflicted in a variety of ways. The use of anti-androgens may inhibit some of the cognitive and physical factors that contribute to sexual assault, but chemical castration must be used in conjunction with traditional sex offender treatment strategies. Chemical castration does not guarantee an offender will not re-offend.

## Classification and Typologies of the Sex Offender

### General Issues in Classification

There are distinct systems and approaches to classification of sex offenders, including theory-driven approaches, clinical or clinical-forensic approaches, and the actuarial and statistical profiling approaches. Typology is the study of a class or group with common characteristics. Sex offender typologies can be useful to anticipate the potential risks an offender may present while on supervision and to recognize behaviors that may be precursors to re-offense. However, caution must be exercised to avoid mislabeling.

Many existing typologies are not empirically or comprehensively validated yet remain useful, especially as clinical heuristic tools. In supervising and providing services to sexual offenders, agents and readers should remain cognizant of individual differences and recognize that an offender may exhibit behaviors from two or more categories in a typology. Additionally, offenders may engage in multiple paraphilias and/or assault victims of different genders or age groups. However, typological classification has received much historical attention.

Ultimately, the method of classification should be subjected to empirical evaluation for internal consistency, empirical scope, and depth of explanatory power as applied to and validated in specific clinical samples. Currently, there is no comprehensive system that does not lack some important dimension of one or more of the latter factors, yet each has certain strengths. In other words, many of these typologies capture parallel/simultaneous and complementary/different aspects of psychosexual behavior, including *criminogenic* needs, rather than to serve as a comprehensive system.

## Clinical and Clinical-Forensic Classification Approaches

### DSM-IV Taxonomy

The fourth (text revision) edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR)* includes classification of several disorders specifically related to the tendency or risk for sexual offending. It must be emphasized that many offenders do not manifest the criteria of these disorders. For instance, a majority of child molesters are not diagnosable with pedophilia, and many sex offenders do not meet the diagnostic criteria for any particular disorder in the DSM system.

In many ways, this could reflect the absence of:

- A comprehensive and centralized taxonomic system for psychosexual disorders;
- The shortcomings of current models; and
- The need to develop more empirically based classification systems.

However, the presence of a paraphilia has been associated with the onset and maintenance of sexually coercive or inappropriate behavior, documented in a finding of recent meta-analytic studies (See bibliographical entries for Hanson & Bussiere, 1998; and Hanson & Morton-Bourgon, 2005).

### **Paraphilias**

DSM-IV defines *paraphilia* as recurrent, intense, sexually arousing fantasies, sexual urges, or behaviors which occur over a period of at least six months, generally involving non-human objects, the suffering, or humiliation of oneself or one's partner, or children or non-consenting adults. In addition, the fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

Paraphilic fantasies or stimuli may be necessary for arousal and always present in sexual activity or may occur episodically. Additionally, the frequency of fantasies and intensity of urges may vary substantially at different periods of time.

The DSM-IV-TR defines *pedophilia* as recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children, "generally" age 13 or younger. In addition, the individual must have: acted on these sexual urges; manifested such urges or behaviors for at least six months; and be at least 16 years old and at least 5 years older than the child.

### **Other Paraphilias**

- *Exhibitionism* is sexual excitement achieved by exposing one's genitals to unsuspecting strangers.
- *Voyeurism* is sexual arousal achieved by observing unsuspecting persons who are disrobing, naked, or engaged in sexual activity.
- *Masochism* is sexual arousal achieved by being humiliated, abused, disciplined, punished, and made to suffer.
- *Sadism* is sexual arousal achieved by imposing physical or psychological suffering, humiliation, abuse, discipline, or punishment.
- *Transvestic fetishism* is sexual arousal achieved by wearing clothes of the opposite sex.
- *Fetishism* is sexual arousal achieved by using nonliving objects, such as shoes.
- *Frotteurism* is sexual arousal achieved by touching and rubbing the body of unsuspecting persons.

Presently, the DSM system does not include a diagnostic category for rapists or a rape paraphilia, though some researchers argue that severely disordered or repetitive rapists can be diagnosed with sexual sadism or are under the general category of paraphilias with the clinical construct of "paraphilia, non-consent."

### **FBI Typology**

The Federal Bureau of Investigations (FBI) has developed a typology for both child molesters and rapists and used to aid in investigation of criminal cases. This classification system has some strong influence from the theoretical models; its placement in this section is influenced more by its application as a forensic tool.

### Child Molesters

According to this model, child molesters are first divided into two subgroups with additional subtypes:

- *Situational (child) offenders*: Do not have a well-defined sexual interest in children.
  - *Regressed immature*: Socially inept; relate to children as peers; low self-esteem.
  - *Mentally indiscriminate*: Antisocial with a penchant for nonspecific or indiscriminate abuse. Opportunistic and exploit vulnerable individuals, including children.
  - *Sexually indiscriminate*: Vaguely defined sexual preferences and experiment in a perverse manner with varied deviant behaviors.
  - *Inadequate*: Social misfits, psychotic, senile, disabled, or organically dysfunctional; poor social and interpersonal skills.
- *Preferential child offenders*: Harbor a strong sexual preference or interest in children
  - *Seductive*: Exclusive sexual interest in children; engage in grooming.
  - *Introverted*: Fixated on children, but low social skills that limits grooming and manipulation capacity; typically molest strangers, very young children, or marry women with children in their range of preference.
  - *Sadistic*: Sexual interest in the child is coupled with a need to inflict pain or suffering on the child. Rare among sex offenders, but they can inflict significant injury with expressive violence.

### Rapists

- Power-reassurance
- Power-assertive
- Anger-retaliatory
- Anger-excitement.

### Typology of Female Sex Offenders

While the majority of sex offenders are males, females also commit acts of sexual violence. Offenses committed by females typically include the following elements:

- In most cases, offenses are committed with a male cohort.
- Female offenders rarely, if ever, coerce others to serve as accomplices.
- Force or threats of violence are used far less often than offenses committed by males.
- When convicted, a female offender is less likely to deny and typically accepts responsibility for offenses more readily than male counterparts.
- Female offenders typically initiate offenses at later ages than male offenders—offenses committed prior to adulthood are extremely rare.
- The motivations and characteristics of female sex offenders differ from male offenders.

Several studies describe a typology for the female offender, including the first three subtypes below, while others include a fourth subtype (angry/impulsive). The characteristics of each subtype are summarized below:

**Teacher/Lover**

- Initiates and carries out the abuse of an adolescent, usually a male;
- Succeeds in offending through a position of power, usually through her age and role in the victim's life;
- Typically feels no hostility toward her victim;
- Does not regard her behavior as criminal;
- Appears to be seeking a loving relationship; and
- Appears to believe that sexual acts with the victim are acts of kindness.

**Male Coerced/Male Accompanied**

- Participation in sexual abuse is influenced by a male cohort;
- Victim is often the woman's own child, usually a daughter;
- Offender generally subscribes to traditional gender roles and assumes subordinate position as a wife/mother;
- Usually fear their partners/husbands;
- Feel powerless in interpersonal relationships;
- Commonly subject to threats or physical abuse by partners;
- Not uncommon for offender to join her partner in abuse he previously committed alone;
- Depend on males;
- Nonassertive;
- Low self-esteem;
- Low intelligence; and
- Alcohol or drug problems.

**Predisposed**

- Usually victimize own children;
- Report being sexually abused at a very early age and for a number of years;
- Experience difficulty in establishing healthy sexual relationships;
- Become involved with abusive male partners;
- Believe abuse is commensurate with acceptance and human contact; and
- Not uncommon for this offender to reveal sadistic fantasies triggered by anger.

**Angry/Impulsive**

- Acts alone in an angry and impulsive manner against an adult male victim.

## Theory-based Classification Approaches

### Typologies for Child Molesters and Rapists

#### **Child Molesters (Groth)**

Dr. A. Nicholas Groth, clinical psychologist and author of several early texts on sex offending, developed a typology that divided child molesters into two categories: *fixated* and *regressed*.

#### ***Fixated Child Molester Typology***

- Primary sexual orientation is to children
- Pedophilic interests begin at adolescence;
- No precipitating stress; no subjective distress;
- Persistent interest and compulsive behavior;
- Preplanned, premeditated offense;
- Equalization is the principal dynamic;
- Identifies closely with the victim and “equalizes” his/her behavior to the level of the child;
- Offender is a “pseudo-peer” to the victim;
- Most offenders are single and have little or no sexual contact with age mates;
- Some may simultaneously have contact with an age mate of the offender’s own sex, which usually serves as a substitute for a child partner;
- Interaction is typically mutually stimulated with child pornography;
- Usually no history of alcohol or drug abuse.
- Evidence of immaturity with poor social-sexual peer relationships; and
- Offense is a maladaptive resolution of life issues.

#### ***Offense is preplanned, premeditated; Regressed Child Molester Typology***

- Primary sexual orientation is to age mates;
- Pedophilic interests emerge in adulthood;
- Precipitating stress is typically evident;
- Involvements may be more episodic;
- Initial offense is often impulsive, rather than premeditated;
- “Substitution” is the principal dynamic;
- Offender replaces conflictual adult relationship(s) with involvement with a child or children;
- Victim is a “pseudo-adult” substitute;
- Sexual contact with children occurs simultaneously with sexual contact with age mates;
- Offender is usually married or living in a common-law (heterosexual) relationship;
- In a high proportion of cases, the offense may be alcohol-abetted;
- Lifestyle is more nearly traditional, but with underdeveloped peer relationships; and

- Offense is a maladaptive attempt to cope with specific life stressors.

### **Rapists**

Former FBI agent Roy Hazelwood was among the original profilers in the Behavioral Science Unit at the FBI. His specialty for over two decades was sexual crimes. He transformed the investigation of aberrant sexual offenses into an integral part of the FBI training. Based on his extensive experience, he has written or co-written numerous articles and books, notably, "The Lust Murderer," with John Douglas, *Practical Aspects of Rape Investigation*, and *The Evil That Men Do*.

Hazelwood's typology classifies rapists in the following six subtypes: power-reassurance; power-assertive; anger-retaliatory; anger-excitement; opportunist; and gang rape.

#### ***Power-Reassurance Rapist Typology***

While this rapist does not consciously intend to either degrade or emotionally traumatize the victim, the offender uses forced sexual activity to obtain reassurance of sexual adequacy and masculinity. Below are typology characteristics of this rapist.

- Behavior is based on feelings of insecurity and inadequacy;
- This rapist may manifest characteristics such as;
  - Low self-esteem
  - Underdeveloped social skills
  - Under-achievement
  - Social isolation
  - Pornography collection
  - Obliviousness to physical appearance.
- Chooses victims in advance through surveillance or voyeuristic activities;
- Generally attacks at night by entering the victims' residence;
- Victim is usually alone or in the company of small children;
- Uses more force than necessary to obtain submission;
- Offender may experience sexual dysfunction, such as premature ejaculation or impotence; and
- If the initial rape attempt is unsuccessful, the offender may strike again, as quickly as the same evening.

#### ***Power-Assertive Rapist Typology***

This rapist uses the assault as an expression of dominance over the victim. These offenders do not doubt their sexual adequacy or masculinity, and typically display a detached, macho attitude. He is often athletic, consumes alcohol, is self-centered, has been married more than once, and presents as conceited and arrogant.

Other characteristics of this offender typology are described below:

- Usually meets the victim the night of the assault;
- Typically attacks before midnight;
- Frequently uses a moderate level of force and may tear the victim's clothing;
- May repeatedly assault the victim;
- Often strands transported victim to delay the victim's ability to report the assault; and
- May experience sexual dysfunction, such as retarded ejaculation.

### ***Anger-Retaliatory Rapist Typology***

The anger-retaliatory rapist feels anger toward women in general and uses sex as a weapon to degrade and punish them. The assaults are committed for revenge against women for actual or perceived wrongs. The anger-retaliatory rapist often presents as an alcohol abuser; lacks a sense of humor; mistrusts others; exhibits intense, explosive anger; acts impulsively in all facets of life; makes derogatory remarks about women; and typically seems nervous and anxious.

Other characteristics of this offender typology are described below.

- Attacks are triggered by anger and rage, and may occur at any time of day or night without a predictable pattern;
- Use of excessive force;
- Initial attack is physical nature to deny the victim any self-defense;
- Victims are usually the same age or older than the offender;
- Selection of a victim is often a matter of chance and mere proximity when the rage explodes;
- Usually rips off the victim's clothing;
- Assault is often brutal and short in duration;
- Offender often leaves after anger has been vented; and
- Offender may experience sexual dysfunction, such as retarded ejaculation.

### ***Anger-Excitement (Sadistic) Rapist Typology***

The anger-excitement rapist derives sexual arousal and pleasure from the victim's suffering, fear, and submission. This type of offender is rare. Other characteristics of this offender typology are described below:

- Attacks are carefully planned;
- Attacks are characterized by expressive or excessive force;
- Frequently gain access to the victim under some pretext such as offering or requesting assistance;
- Serious physical and emotional trauma to the victim;
- Captivating, holding, gagging, or bonding the victim;
- Engaging in forced fellatio, vaginal, or anal rape, and penetration with a foreign object;
- More likely than other types of rapists to murder, mutilate, and conceal the victim;

- Often maintains a recording of offenses through writings, drawings, photographs, and audio/videotapes;
- Presents with severe personality disorders, including narcissism, paranoia, and psychopathy;
- Can be extremely manipulative, intelligent, and articulate;
- Frequently employed in occupations that involve public contact; and
- Express excessive interest in police activities, paraphernalia, and technology.

### ***Opportunistic Rapist Typology***

The opportunistic rapist assaults the victim by gaining chance access to them while committing another crime. The assault is primarily motivated by sexual desire. While committing an offense such as robbery, this type of rapist may come upon a vulnerable victim, such as a woman alone, and use the opportunity to obtain sexual gratification. This type of rapist should not be confused with a rapist who consistently rapes while committing other crimes, and whose motivation for the assault is power, anger, etc., rather than primarily sexual satisfaction.

### ***Gang Rape Typology***

Gang rape is a coerced or brutally inflicted sexual assault committed by two or more offenders. Typically, one of the offenders emerges as the leader and the others follow. In assaults involving three or more offenders, one of the perpetrators may emerge as a reluctant participant and may be described by the victim as more protective or helpful.

### **Massachusetts Treatment Center Typology**

The Massachusetts Treatment Center (MTC) typology classification system represents a rather sophisticated approach, both clinically and empirically. It is theory-driven and is heavily influenced by Groth's typologies, which have psychodynamic underpinnings. The MTC typology also includes those for child molesters and rapists. However, the particular strength of the MTC typology consists of its empirical scope; it is one of the rare models that has been validated and developed on a large and diverse clinical population.

MTC includes systematic analysis of critical dimensions, such as: levels of social competence or functioning primary motivation; aggression; sexualization or sexual fixation; impulsivity; and past antisocial behavior as differential characteristics in the classification of rapists or child molesters.

### **MTC Child Molester Typology**

#### ***Fixation/Regression (Axis 1)***

The first axis distinguishes between child molesters with and without a historical or enduring sexual interest in children and those without such an interest. Each of these groups can be separated according to whether they exhibit a high or a low level of social competence.

**Axis I Offender Types**

- Type 1—High fixation/low social competence
- Type 2—High fixation/high social competence
- Type 3—Low fixation/low social competence
- Type 4—Low fixation/high social competence

**Axis 2 Offender Types**

This axis aims to gauge the degree and meaning of contact with the victim for the offender. The axis refers to the degree to which the offender has been involved in activities or situations with children, and the cognitive or emotional meaning of the contact for the offender.

**High amount of contact with children**

- Type 1—Interpersonal Offender
- This type shows a high amount of contact, where the motivation for contacting the child is primarily a combination of socio-emotional and sexual motivation. Typically, the offender believes or tries to engage in a loving relationship with the victim.
- Type 2—Narcissistic Offender
- This type is identified where contact is high, but the primary motive is to achieve self-gratification; therefore, sexual interest or motivation is critical and victims are usually regarded a little more than sexual or masturbatory objects. This type of offender usually engages in “serial” sexual relationships with children, devoid of a strong interpersonal or emotional content. The offender engages in varied, penetrating sexual acts with victims.

**Low amount of contact with children**

The offenders identified below manifest a low amount of contact with the child, suggesting the degree to which the offender has been involved in activities or situations with children. This dimension is divided according to the degree of physical injury inflicted on the child, and the presence or absence of sadistic fantasies and behaviors.

- Type 3—Exploitative Offender
  - This type of offender has a low degree of contact with children and inflicts a low degree of physical injury on the victim. The offender is likely to have engaged in impulsive acts, where immediate sexual gratification is the prime motive and there is no evidence of sadistic cognitions, aims, or behaviors.
- Type 4—Muted Sadistic Offender
  - This type of offender also has a low degree of contact with the child and inflicts a low degree of physical injury on the victim. There is significant evidence of planned behavior as part of the offense, as well as deviant or sadistic sexual fantasies.
- Type 5—Aggressive Offender
  - This type of offender causes a high degree of physical injury to victims, but their behavior is characterized by impulsivity during the offence process. There is no evidence that anger was sexualized.

- Type 6—Overt Sadistic Offender
  - There is a high degree of physical injury caused to the victim, coupled with sadistic sexual fantasies and behavior. There is evidence of a high degree of planning in the offense. The offender tends to experience a high level of sexual arousal by frightening victims or subjecting them to painful, humiliating, or degrading acts.

### **Knight and Prentky Rapist Typology**

The revised version of this model (MTC: R3) is a typology consisting of nine types derived from four basic categories: opportunistic, pervasively angry, sexual, and vindictive.

- Type 1—Opportunistic, High Social Competency
- Type 2—Opportunistic, Low Social Competency
- Type 3—Pervasively Angry
- This offender has a long history of antisocial behavior reflecting that anger. This individual is low in social competence and is impulsive.

The overall category of the sexual-type offender is broken down along the dimension of sadism and then further divided according to social competence.

- Type 4—Overtly Sadistic
- This offender has a high degree of antisocial behavior and engages in offense planning.
- Type 5—Muted Sadistic
- Sadistic aggression is not overtly expressed. This individual has little history of antisocial behavior, but does engage in offense planning.
- Type 6—Non-sadistic Sexual Rapist
- This offender rapes for sexual gratification, but shows little evidence of sadism, and has a fairly high level of social competence. This individual does not have a significant antisocial background, but engages in offense planning.
- Type 7—Non-sadistic Sexual Rapist
- This offender is identical to the previous type, but shows low social competence.
- Types 8, 9—Vindictive Rapists
- These last two categories are classified as vindictive. Both harbor significant anger and hostility, especially directed toward women. Type 8 shows low social competence, whereas Type 9 shows high social competence.

### **Child Molesters Typology Based on Motivational Factors**

Finkelhor and Araji developed a multifactor model to explain child molestation. This model integrates a variety of single factor theories to explain the causes of sexual deviancy. According to this model, the following four factors form the basic causes of child molestation:

- Emotional Incongruence
- Sexual Arousal
- Blockage
- Disinhibition.

#### **Emotional Incongruence**

This factor explains the reasons the offender finds sexual involvement with a child to be emotionally satisfying. This theory is applied to child molesters considered immature, lacking in self-esteem, and who have difficulty in adult relationships. This factor is also used to explain the deviant behaviors of child molesters who were sexually abused as children, and whose behavior may be motivated by a need to overcome their own childhood trauma, shame, and feelings of powerlessness.

#### **Sexual Arousal**

This factor is used to explain the reasons the offender finds a child sexually arousing. Social learning theory considers early sexual experiences, whether pleasurable, painful, or shameful as possible reasons the offender is sexually aroused by children. Even traumatic victimization in childhood may result in event imprinting that serves as the offender's stimulus for sexual arousal.

#### **Blockage**

This factor is used to explain the reasons the offender cannot meet emotional or sexual needs through relationships with other adults. Blockage is divided into the developmental and situational categories. Developmental blockage is the result of an offender's failure to move through the normal developmental phases that lead to adulthood. Situational blockage is the result of a current crisis, such as a deteriorating marriage. Situational blockage may be used to describe the causes for the behaviors of the incest perpetrator who obtains a sexual outlet by assaulting his children.

#### **Disinhibition**

This factor is used to explain the process by which the offender becomes oblivious to, overcomes, or disregards the societal norms and legal consequences of molesting children. Examples of disinhibition include poor impulse control, senility, alcoholism, and psychosis. Situational stressors, such as unemployment or loss of a relationship, may also serve as disinhibitors.

## **Actuarial or Pragmatic-Based Classification Approaches**

This methodology is based on a number of variables that are identified in a pragmatic and research based combination to understand the offenders' level of risk and need for treatment. This approach is exemplified in the existing actuarial measures for the assessment of risk for recidivism in sexual offenders (e.g., STATIC-99, RRASOR, Minnesota Sex Offender Screening Tool-Revised, *Violence Risk Appraisal Guide* (VRAG)). These particular assessments will be reviewed elsewhere in this handbook, and therefore, will not be discussed in detail here.

In general employment of such instruments, an individual offender is classified in terms of risk, by comparison to numerous factors, such as criminal history, offense characteristics, and demographic information obtained from a large sample of other sexual offenders. These methods have significant utility in estimating an offender's level of risk. However, in general, these approaches do not provide singular guidance on the specific psychological factors underlying risk. Further, they do not integrate the risk factors within a larger theoretical or conceptual framework (atheoretical). They also assess risk in terms of group characteristics or membership, rather than specifically measure an individual's level of risk or need for treatment.

### **Statistical Profiling Approaches**

A more recent method employed by some researchers uses psychological testing to create sex offender profiles. In many ways, this approach shares some similarities with the MTC model in its emphasis on empirical grounding. The statistical/profiling approach is usually employed to assess risk and treatment need. Using complex statistical methods, such as cluster analysis, individual are compared across a number of psychological tests, measures, or scales to identify groups with similar characteristics. For instance, Beech (1998) used cluster analysis on a range of measures to assess attitudes supportive of offending and socio-emotional problems in child molesters.

This analysis led to the identification of two basic types of child molesters: high, low deviancy.

#### **High Deviancy Group**

- Chronic socio-emotional problems, such as emotional loneliness;
- Entrenched belief systems that perceive children as sexual beings unharmed by sexual relations with adults;
- Large number of victims;
- Large number of prior offenses;
- Victims within and outside family;
- Male victims or cross gender victims; and
- Similar to the preferential or fixated offender in previous typologies.

#### **Low Deviancy Group**

- No general implicit belief system perceiving children as sexual beings;
- Significant distorted attitudes about their own victims;

- Sense of entitlement to sex, regardless of costs;
- Low empathy;
- Less likely to have prior sex offenses; and
- More likely to commit offenses against female children within family (daughters or stepdaughters).

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**CHAPTER 6 — TREATMENT**

## Overview

Treatment is a cornerstone and primary aspect of sex offender case management and community containment. Many types of correctional and forensic programs, and treatment modalities are available as interventions for sex offenders. The purpose of this chapter is to provide an overview of the various types of forensic and correctional treatment programs available in various locations throughout Pennsylvania.

The treatment of sex offenders is a specialized field that requires the services of clinicians and treatment providers with skills and training specific to this population. The type of treatment program selected must be determined through the completion of a sex offender assessment, conducted by a clinician or therapist who has specialized expertise in the field. The treatment modality is selected according to the individual dynamics of the offender and offense. Some offenders are not appropriate for certain types of treatment. Effective management of sex offender cases requires the cooperative efforts of qualified clinicians and knowledgeable correctional and/or parole professionals.

Regular contact and ongoing communication between the agent and treatment provider is essential. The supervision and treatment of sex offenders is a rapidly changing field. As knowledge and understanding of this population increases through research, methods for intervention and treatment will evolve.

### **Parole/Correctional Goals of Treatment**

Case plans, rules, and conditions of supervision should support the offender's participation in appropriate sex offender treatment. The parole/correctional agent's primary role in treatment is to monitor and reinforce offender progress and hold the offender accountable for noncompliance.

### **Agent Goals for Sex Offender Treatment**

- Reduce offender risk for re-offense and prevent further victimization.
- Facilitate offender acceptance of responsibility for deviant sexual behavior.
- Help offender understand the impact of his/her actions on the victim.
- Support the offender's motivation to manage and control deviant sexual behavior, impulses, fantasies, and arousal patterns.
- Foster growth of the offender's appropriate sexual behaviors and/or outlets.
- Assist the offender in the development and implementation of a relapse prevention plan.

**Note:** Refer to Chapter 12, **Supervision of Sex Offenders**, for further information on the parole/correctional role in treatment.

### **Offender Treatment Goals**

It is not uncommon for the sex offender to manifest varying degrees of denial during the initial stages of supervision. However, honest disclosure of the offense pattern and sexual history enhances the possibility that the offender will successfully complete treatment, learn to manage and control sexually deviant behaviors, and avoid re-offending. Increasing amounts of

disclosure may occur gradually, as the offender progresses through treatment and supervision. An offender who is willing to participate in treatment must work toward these goals:

- Acknowledge and accept responsibility for complete sexual assault history.
- Improve understanding of human sexuality.
- Improve appropriate social and relationship skills.
- Develop appropriate skills in anger management.
- Learn about traumatic effects of sexual assault victimization and develop empathy.
- Separate anger, power, and other inappropriate motivational issues from sexual behavior.
- Recognize and change cognitive distortions.
- Identify personal sexual offense cycle and recognize characteristics of the cycle.
- Develop and use interventions to interrupt each stage in the sexual offense cycle.
- Explore unresolved issues from personal victimization, if applicable.
- Adopt a non-exploitative and responsible lifestyle.

### **Choosing an Appropriate Treatment Provider**

Effective sex offender management requires regular contact, communication, cooperation, and constructive professional relationships between agents and treatment providers. The various professionals involved must work collaboratively to accomplish supervision and treatment goals. Selected treatment providers must prioritize public safety and community protection at all times in their work with offenders. Treatment providers must have the knowledge, skills, experience, and willingness to address issues and factors that contribute to the offender's sexually deviant behavior. Treatment providers must also be willing to maintain regular communication with supervisors, and provide regular and timely reports of offender attendance and progress.

#### **Treatment Provider Considerations**

- Level of knowledge, skill, training, and experience in treatment principles and clinical work with sex offenders;
- Ability to assess risk/needs of offenders and deliver various modalities/components of program services specific to individual dynamics of offenders and offenses;
- Ability to provide group treatment as a primary means to deliver services and individual treatment as necessary for specific cases;
- Willingness to communicate openly with agents relative to information disclosed by offenders in treatment. (Sexual offenders in treatment under supervision must be informed at the outset and regularly thereafter, regarding the limits of confidentiality in communications between supervision agents and providers.);
- Willingness to investigate the offender's prior history;
- Willingness to testify in court and at revocation hearings;
- Knowledge of current methods used to assess offender progress in treatment;
- Professional attitudes about working with offenders in denial;

- Professional attitudes about working with involuntary offenders; and
- Ability to provide assessments, progress reports, and discharge summaries on a timely basis.

## **Treatment Modality**

### **Group Therapy/Treatment**

Most sex offender treatment providers currently deliver services in a group format utilizing cognitive-behavioral and relapse prevention models. These models have received substantial empirical support as the most effective present strategies to reduce recidivism. The recommended size for group therapy sessions is six-eight members and should not exceed a maximum of 12. Group treatment is considered the most effective method of service delivery for these reasons:

- Assists in the reduction of offender manipulation;
- Assists in the reduction of offender denial/secretcy;
- Helps facilitate the recognition that offender behaviors are not unique;
- Provides opportunities for ongoing feedback;
- Provides opportunities to observe role-modeling;
- Provides opportunities to practice and improve social/relationship skills;
- Provides support/motivation for behavioral change; and
- Provides support and guidance in
  - Addressing sexual behaviors
  - Coping with negative affects (e.g., isolation, loneliness, anger, or depression)
  - Dealing with concrete problems (e.g., employment; intimacy difficulties; substance abuse, and development of positive social networks).

### **Individual Therapy**

Generally, individual therapy is not recommended as the primary treatment modality for sex offenders. However, individual therapy may be appropriate for particular offenders who are unable to function adequately in a group setting. In some circumstances, individual therapy is recommended on a short-term basis to prepare the offender and support the objectives of group treatment. Individual therapy may be used to accomplish the following objectives, which may also be achieved through the use of co-therapists who deliver services in a group format.

**Objectives**

- Develop rapport, trust, and respect between the offender and therapist.
- Conduct assessments or provide crisis intervention.
- Provide time and attention to better understand thinking patterns of individual offenders.
- Provide a treatment opportunity for unique, offender specific issues.

**Principles and Components of Sex Offender Treatment**

Sex offender treatment is a specialized field that differs from other forms of correctional or therapeutic intervention. This section includes a description of elements and components commonly included in the treatment of sex offenders under correctional and community-based supervision.

**General Principles**

- Sexual offenses are defined by law and may or may not be associated with or accompanied by sexual deviance. Some sex offenders also have co-existing conditions, such as mental disorders, organic disorders, or substance abuse problems.
- There are many forms of sexual offending. Offenders may have more than one pattern of sexual offending behavior and may have multiple victims.
- Sex offender treatment and supervision must be bound by the rules of ethics and law, and must be humane and non-discriminatory.
- Regardless of the nature of their crimes or conduct, all members or agencies involved in management and treatment must treat sex offenders with dignity and respect.
- Assessment and evaluation of sex offenders is an on-going process and should occur at various phases, beginning with official disclosure.
- Many sex offenders can be effectively managed in the community on probation, community corrections, or parole and develop appropriate skills that decrease their risk of re-offense.
- There is no “cure” and successful treatment cannot permanently eliminate the risk of further victimization.
- Differences between sex offenders require great flexibility, as opposed to a “cook-book” approach to treatment.
- Expansion and integration of targets of treatment.
- Progress in treatment and level of risk are not constant over time and shift because of the cyclical nature of internal and external factors, such as moods, cognition and life stressors.
- Some offenders may be too dangerous to be placed in the community, while other offenders may pose enough risk to require extended monitoring to minimize risk.
- Monitoring of risk must be a continuing process, as long as sex offenders are under criminal justice supervision.

### **Assessment and Evaluation**

The type of appropriate program must be determined through the completion of a sex offender assessment and evaluation conducted by a clinician or therapist with specialized skills and training specific to this population and practice. A sex offender assessment and evaluation also provides agents with detailed information that can be useful in risk assessment, case planning, and management.

#### **Assessment and Evaluation Domains**

##### ***Offender Histories***

- Criminal, family, marital, social, sexual, financial, alcohol and drug, mental health, medical, employment, military.

##### ***Other Necessary Domains***

- Results of risk assessment instruments;
- Specific information related to unchanging and changing risk factors;
- Detailed description of the current offense;
- Description of social functioning;
- Educational background;
- Offender strengths; and
- Recommendations for treatment and supervision.

### **Program Components**

Sex offender treatment programs have evolved considerably over the past decade as a result of increased research and improved study of recidivism. Effective programs incorporate treatment components that have been shown to have a positive impact on reducing the likelihood of re-offense and improving the rehabilitation of the offender. Program elements, such as reducing denial and minimization, altering cognitive distortions, and increasing knowledge of the deviant cycle and relapse prevention have become widely accepted as essential features of effective treatment programs. Across the delivery spectrum (e.g., correctional vs. community; low-risk vs. high-risk offender treatment), some components are primarily educational and aim at skill building, while others emphasize in-depth clinical and therapeutic intervention.

This section summarizes selected modalities commonly used in correctional and community-based programs for sex offenders. Summaries of the following components are included below.

- Sex education/sexual values clarification;
- Sexual dysfunction prevention;
- Social skills training;
- Assertiveness training;
- Cognitive distortion and restructuring;

- Victim impact and victimization awareness;
- Sexual preferences
  - Covert sensitization
  - Masturbatory satiation; and
- Relapse prevention.

### **Sex Education/Sexual Values Clarification and Sexual Dysfunction Prevention**

#### **Factors to Consider**

- Many sex offenders experience deficits in sexual knowledge.
- Offenders may commit offenses, in part, because of unreasonable or erroneous expectations and beliefs about their sexual functioning.
- Increased sexual knowledge and confidence may promote mutually satisfying adult sexual interactions and relationships.

#### **Goals**

- Increase knowledge of sexuality;
- Promote appropriate attitudes about sex;
- Learn appropriate sexual skills;
- Demonstrate positive, respectful attitudes toward adult sexual partners;
- Learn self-management of common sexual dysfunctions;
- Increase knowledge and ability to demonstrate non-deviant sexual attitudes and behavior;
- Reduce anxiety in adult sexual interactions; and
- Increase knowledge of sexually transmitted diseases.

#### **Methods**

- Presentation of slides related to sexual functioning and human sexual response;
- Use of true/false test of myths and facts about sex;
- Audiovisual trigger materials, such as guided imagery;
- Discussion of adult socio-sexual needs and interests;
- Offender presentation of self-management of their specific sexual dysfunctions;
- Discussion of motivation for deviant and prosocial sexual behavior;
- Presentation of effective verbal and nonverbal communication and importance of verbal clarity and consent;
- Practice open, respectful, and clear communication about sexual matters in group treatment as a model for such discussion elsewhere; and
- Presentation of information about sexually transmitted diseases.

## **Social Skills Training**

### **Factors to Consider**

- Many offenders lack basic social skills.
- Rapists are especially poor at accurately reading nonverbal messages.
- Child molesters are often unskilled in interacting effectively with adults.
- Offenders with poor social skills may become frustrated in ordinary social situations with adults, and either over power victims or retreat to the lower stress environment of children.
- Improved social skills can reduce the need to force victims or interact primarily with children by increasing effectiveness and satisfaction in adult interactions.
- Caution should be exercised in refining the social skills of offenders who demonstrate high levels of psychopathic traits.

### **Goals**

Increase social skills in the following areas:

- Meeting strangers during appropriate social situations;
- Initiating and maintaining conversations;
- Correctly interpreting nonverbal communications;
- Developing appropriate nonverbal skills, such as body placement, tone, and boundaries;
- Learning appropriate methods of indicating interest and disinterest;
- Managing anxiety;
- Demonstrating appropriate personal disclosure;
- Transitioning from social to social-sexual interactions;
- Maintaining friendships;
- Respecting women and children; and
- Demonstrating appropriate attention to others beyond themselves.

### **Methods**

- Role play various types of social interactions;
- Present appropriate social skills related to body placement, eye contact, meeting strangers, initiating conversations, active listening, personal disclosure, sexual interactions as an extension of social relationships; and
- Behavioral assignments with reporting back to group.

## **Assertiveness Training**

### **Factors to Consider**

- Many sex offenders have low self-esteem, lack self-confidence, do not present themselves to others as worthy of respect, and become overly angry, even in trivial situations.
- They often feel guilty when they assert themselves.

- Some sex offenders avoid even minor conflict or confrontation.
- Other sex offenders repress perceived slights or humiliations and react with inappropriate anger, sometimes contributing to sexual and physical assault.
- Assertiveness increases self-esteem, reduces inappropriate guilt and anger, and increases satisfaction in interpersonal interactions.

### **Goals**

- Reduce fear, shame, anger, and inappropriate guilt in interpersonal interactions.
- Increase self-respect and self-esteem.
- Improve effectiveness in interpersonal interactions.
- Understand concepts of passivity, aggressiveness, passive-aggressiveness, and assertiveness.
- Learn specific assertiveness skills, such as requesting changes in others' behavior, refusing requests from others, and expressing appropriate anger.
- Learn that the primary purpose of assertiveness is not to change others' behaviors, but to increase self-respect

### **Methods**

- Presentation on assertiveness contrasted with passivity and aggressiveness;
- Presentation on the importance of assertiveness in reducing guilt and anxiety and increasing self-esteem;
- Demonstrate that assertiveness does not always lead to change in others;
- Reading and behavioral assignments;
- Role playing to
  - Request change in another person's behavior
  - Express positive and negative feelings toward another person
  - Refuse request made by another person
  - Appropriately express anger and frustration; and
- Group feedback and discussion of role-plays.

### **Cognitive Restructuring**

#### **Assumptions and Factors to Consider**

- Almost all sex offenders know that sex offenses are harmful to victims, or at least understand these behaviors are illegal.
- Offenders use cognitive distortions to eliminate or reduce dissonance and conflict when evaluating their own behavior. A cognitive distortion is a thinking error or irrational thought that allows the offender to justify actions and continue to engage in abusive behavior.
- Offenders rarely share rationalizations for their sex offenses with others. Therefore, offenders often do not receive feedback about their thinking errors.

- By examining justifications, rationalizations, and excuses, offenders are challenged to understand and recognize the distorted and self-serving nature of faulty thinking.

**Goals**

- Examine and recognize rationalizations, excuses, and cognitive distortions.
- Obtain candid feedback from peers and professionals relative to these cognitive distortions.
- Increase awareness of victimization issues.
- Recognize faulty thinking to reduce the ability to justify continuation of sex offending behavior.

**Methods**

- Examine the role and common use of rationalizations and excuses in nonsexual situations.
- Offenders identify cognitive distortions by anonymously completing the sentence: “Even though I knew my sex offending was wrong or at least illegal, I told myself the following to make it seem okay . . . .”
- The therapist conducts role-plays utilizing cognitive distortions elicited from group; members of the group play various roles (e.g., victim’s parent; friend of offender who supports offender’s acceptance of responsibility and acknowledgment of distortion; probation and parole agent).
- Elicit group feedback and discuss role-plays.

**Victim Impact/Victimization Awareness****Factors to Consider**

- Sexual assault results in victimization.
- Most sex offenders do not victimize with the primary intent to harm, but discount or minimize victimization for self-gratification.
- The offender’s ability to discount their perpetration of trauma is diminished if sex offenders learn about the trauma to victims caused by sexual assault.
- Many sex offenders have not learned appropriate empathy because of problems in their development and circumstances.
- As sex offenders learn the impact of their actions on victims, the ability to ignore the pain of victims is diminished, thereby decreasing the gratification derived from offending behaviors.
- Caution should be exercised in refining the empathy skills of offenders who demonstrate high levels of psychopathic traits.

**Goals**

- Understand the pervasive negative effects of sexual assault on victims and families.
- Recognize the consequences and impact of the offender’s assaults on the victim’s family members and others.
- Obtain the ability to understand the impact on the victim(s) of the assault(s).

**Methods**

- Presentation of myths and facts about trauma typically experienced by victims of sexual assault;
- Use of audiovisual trigger materials to demonstrate victim trauma;
- Written assignments requiring the offender to describe his/her assault from the perspective and experience of the victim;
- Presentations by adult sexual assault survivors, describing the impact of the assault(s) on their lives;
- Offenders each describe individual offense(s) to the group, including
  - Antecedent thoughts and behaviors
  - Cognitive distortions
  - Description of probable effects of victimization on victim using victim's first name
  - Description of specific methods offender uses to avoid re-offense; and
- Intervention by therapist if, during assignments/exercises, offense description vary significantly from victim's reports.

**Treatment of Deviant Sexual Interests****Assumptions**

Recent literature emphasizes what offenders think, rather than their genital arousal in the development of deviant sexual interests and behaviors. The mind, rather than sexual organs, is the main source of deviant arousal and behavior. Motives such as power, control, desire for contact or admiration, in addition to or in tandem with sexual arousal, can lead to sexually coercive behaviors. Deviant behaviors or fantasies are less likely as individuals develop ways to meet their needs in prosocial ways.

**Covert Sensitization****Assumptions and Factors to Consider**

- As sex offenders approach an opportunity to commit a sexual assault, they tend to focus on anticipated pleasure, rather than the possible consequences to others or to themselves.
- Anticipating potential consequences is incompatible with sexual pleasures for most offenders or, if not incompatible, at least reduces the anticipated pleasure.
- Learning to pair aversive, fantasized consequences with sexual assault can help offenders avoid re-offense.

**Goals**

- Reduce the attractiveness of sexual assault by imagining highly aversive social consequences that result from committing a sexual assault.
- Diminish the intensity of the erotic fantasy build-up prior to a potential re-offense.

- Examine all facets of offending behavior, including negative consequences, rather than merely focusing on the pleasure experienced.

### **Methods**

- Present the philosophy and methodology of covert sensitization.
- Offenders identify their unique covert chain of thoughts and behaviors that precede their sexual offenses.
- Offenders identify various neutral scenarios, personalized aversive consequences, and thoughts and behaviors before sexual assaults.
- Offenders complete ten 15-minute audio-taped homework assignments following this format:
  - Utilize 30-second neutral scene, followed by one- to two-minute deviant scene with emphasis on early stages of the assault (not the actual assault), followed by two- to five-minute aversive scene, then return to the deviant scene, then the aversive scene, and so forth;
  - Offender may sometimes use an escape scene by replacing fantasies of aversive consequences with fantasies of pleasurable adult consenting sexual activity;
  - Each tape should end with an escape scene; and
  - Therapist reviews, erases, and returns the tape to the offender.

### **Masturbatory Satiation**

#### **Assumptions/Factors to Consider**

- Many offenders are motivated to commit sexual offenses because of their deviant sexual arousal.
- These offenders will be assisted in their efforts to avoid re-offense if deviant sexual arousal is reduced or eliminated.

#### **Goals**

- Reduce deviant sexual arousal while increasing non-deviant (adult consenting) sexual arousal.
- Minimize pleasure associated with deviant sexual arousal while maximizing pleasure associated with non-deviant sexual arousal by concentrating on non-deviant/non-coercive fantasy.

#### **Methods**

- Present rationale, goals, and techniques of masturbatory satiation.
- Offenders participate according to this format:
  - Obtain cassette tape recorder and 60-minute tapes;
  - In private, masturbate while narrating a non-deviant fantasy into a recorder until reaching orgasm;

- Immediately switch the fantasy and continue to masturbate for the remainder of an hour, while concentrating on a specific repetitive deviant fantasy content;
  - Focus on a specific deviant fantasy content for approximately 15 minutes, then switch to another deviant fantasy; and
  - Experience frustration and a lack of pleasurable physical feelings during second masturbatory effort, thereby reducing desire to masturbate to deviant sexual fantasies and negatively reinforce behavior associated with deviant arousal.
- Complete approximately 20 one-hour tapes.
  - Completed tapes are critiqued by the group and are reviewed by therapist for compliance with instructions;
  - The therapist erases tapes and returns them to the offender.

### **Relapse Prevention**

Relapse prevention is a model that includes strategies for enhancing self-management of offender thoughts, feelings, and behaviors, as well as methods for external supervision and controls. Within this model, offenders learn strategies and techniques to manage their own behavior. They also learn to use agents, family, friends, and other community members for support in preventing re-offense.

Treatment will not cure sex offenders of sexual deviancy, nor will it eliminate deviant sexual interests. Through treatment, however, offenders can learn skills to help themselves interrupt and stop behaviors that lead to re-offense. Offenders must recognize and remain prepared to manage and cope with reoccurring deviant sexual interests by using skills learned in treatment. Offenders must actively recognize risky behaviors and develop coping strategies to address these behaviors.

Based on past experiences, offenders must learn to identify thoughts, feelings, and behaviors that may be precursors to re-offense. Precursors are events that occur prior to a sexual offense and include:

- Seemingly unimportant decisions;
- Risk factors;
- Maladaptive coping responses;
- Lapses; and
- Abstinence violation effect.

Within the relapse prevention model, offenders are thought to develop and maintain responsibility for managing their own sexually deviant impulses to avoid re-offense. If offenders choose to remain in denial, refuse to acknowledge deviant interests, or remain unwilling to participate in treatment to learn the skills necessary to manage their impulses, they are at a higher risk to reengage in sexually deviant behaviors.

**Assumptions/Factors to Consider**

- Offenders who believe treatment will eliminate their risk for re-offense are more likely to reoffend.
- To remain offense-free, offenders must understand that they are never “cured” but rather, learn to recognize offense precursors and avoid high risk thoughts, feelings, and behaviors.

**Goals**

- Learn that prevention of new offenses is a lifelong process.
- Learn which situations or chains of events pose a high risk for re-offense from past thought processes and behaviors.
- Recognize that seemingly unimportant decisions prior to sex offending can be significantly related to re-offense.
- Learn the typical sequence from control to relapse:
  - Perception of control while maintaining abstinence;
  - Awareness of a problematic mood state;
  - Engaging in fantasies of performing a sexually aggressive act;
  - Development of a plan to commit offense;
  - Use of substances that lower inhibition in some cases; and
  - Relapse/re-offense.
- Learn strategies and methods to interrupt the relapse sequence to avoid re-offending.
- Recognize that failure to interrupt the relapse sequence causes the offender to lose confidence and increases the likelihood of additional offenses.
- Recognize a lapse as the initial occurrence of prohibited behaviors and a relapse as the act of committing a new offense.
- Recognize the importance of interrupting the relapse sequence of behaviors as early in the chain as possible.

**Methods**

- Identify, discuss, and dispel offender’s misconceptions about risk for re-offense.
- Identify, assess, and discuss high-risk situations.
- Evaluate coping skills and strategies.
- Design an individualized intervention plan to avoid initial lapse behavior and to prevent lapse behavior from progressing to relapse behavior.
- Teach the offender to monitor him/herself relative to the following:
  - Changes in affect;
  - Sex offending fantasies; and
  - Consideration of a conscious plan to commit a sex offense.
- Require the offender to write an autobiography.
- Teach coping responses.

- Discuss methods to manage and control stimuli that may be precursors to relapse.
- Identify and discuss elements of the relapse process
- Teach offenders that urges subside with time.
- Promote lifestyle changes.
- Identify and discuss prosocial methods to obtain and express power.
- Use external supervision enhancers, such as informed and cooperative friends and family.

### Relapse Prevention Terms

#### ***Seemingly Unimportant Decision***

A seemingly unimportant decision, commonly referred to as a SUD, is a decision that may appear to have little bearing on lapse or relapse behaviors. However, when considered within a sequence or chain of events, the relevance of this decision becomes apparent.

- **Example:** Consider a pedophile who decides to initiate an exercise program to relieve stress that results from tension at home and work. The offender begins to jog every evening after work. Over time, the offender modifies the route traveled to include a path through the park, where children are at play. When considered outside the context of other events, the decision to begin an exercise program may appear unrelated to the offender's offense pattern. However, this decision is actually the first in a series of events that lead the offender to gain access to children.

#### ***Risk Factors***

A risk factor is a set of internal stimuli or external circumstances that threaten the offender's sense of self-control, thereby increasing the risk of lapse or relapse. If the offender does not acknowledge and constructively address these stimuli and circumstances, these factors may be the first in a chain of events that lead to re-offense. The offender's response to a risk factor is a critical point in the chain of events. The offender may choose a number of adaptive coping responses to avoid or eliminate the high-risk situation, or he/she may engage in a maladaptive coping response, which may result in a continuation of the process that leads to relapse.

#### ***Adaptive Coping Response***

An adaptive coping response is an action by the offender that serves to assist him/her in avoiding relapse.

#### ***Maladaptive Coping Response***

In response to a risk factor, a maladaptive coping response is an action by the offender that may appear to constructively address the risk factor, but which actually leads him/her closer to relapse.

- **Example:** Consider a pedophile who decides to initiate an exercise program to address tension at home and work. In this case, jogging served as a maladaptive coping response, in that it was a response to a risk factor (stress/tension) that appeared to be a constructive effort, but actually served to assist the offender in

gaining access to potential victims. The offender might have made a choice to discuss the tension during group treatment and develop plans to reduce or eliminate the stress, rather than avoiding it. Group discussion of the problem might have served as an adaptive coping response to the risk factor.

### ***Lapse***

A lapse is an emotion, fantasy, thought, or behavior that is part of the offender's cycle and relapse pattern. A lapse is not the committing of a new offense, but is a precursor or risk factor that may lead to further offenses. Lapses are to be expected and should be anticipated by the offender and the agent.

- **Example:** Consider the offender who jogs after work each day and passes the entrance to a park where children play. As the days pass, he/she begins to think about entering the park and speaking with the children. The offender, in this case, has not re-offended, but is engaged in lapse behaviors.

### ***Abstinence Violation Effect***

Abstinence violation effect (AVE) is the series of changes in thoughts, beliefs, and behaviors that occur when an offender lapses. When experiencing AVE, the offender may begin to feel a sense of failure and an inability to maintain behavioral control. Offenders may mistakenly conclude they have no willpower and are destined to fail. An offender is most likely to experience AVE if he/she does not believe lapse behavior will ever occur and is unprepared. Consequently, this loss of control results in a sense of failure, which increases the offender's risk for re-offense. If an offender is prepared for the occurrence of lapse behavior and anticipates possible strategies for responding to high risk situations, he/she is more likely to interrupt the chain of events that ultimately may result in a new offense.

### ***Problem of Immediate Gratification***

The problem of immediate gratification (PIG) often occurs as part of AVE and increases the offender's risk for re-offense. The PIG occurs when an offender remembers only the positive sensations experienced before, during, or immediately after committing a sex offense. He/she forgets the delayed negative consequences, such as guilt, shame, loss of family and friends, loss of employment, publicity about arrest and conviction, jail, etc. If an offender learns to focus on the delayed negative consequences of re-offending and the harmful effects to victims, he/she is less likely to relapse.

## **Pharmaceutical Interventions**

A qualified physician must always use pharmaceutical intervention in conjunction with a treatment program in the care and medical supervision of offenders.

### **Antiandrogens**

Antiandrogens, such as Depo-provera, are commonly referred to as chemical castration. These drugs can reduce the level of the hormone testosterone and by proxy, sexual arousal in males. However, males using this drug can obtain an erection, ejaculate, and engage in sexual

intercourse. The use of this drug should not be considered a “cure” or guarantee in the prevention of sexual assault. This intervention is effective when deviant sexual behavior is associated most or regulated by hormonal issues.

### **Selective Serotonin Reuptake Inhibitors**

Selective Serotonin Reuptake Inhibitors (SSRIs) are commonly featured in most current treatments targeting mood and behavioral disorders. These drugs are used to assist in the reduction of deviant fantasies and sexual impulses. Five of the most commonly used antidepressants used are Fluoxetine (Prozac) ; Fluvoxamine (Luvox) ; Sertraline (Zoloft) ; Buspirone (Buspar); and Clomipramine (Anafranil).

SSRIs and antidepressants affect mood, impulse control, and compulsive behaviors by increasing the levels of the neurotransmitter, serotonin, in the brain. However, these drugs do not suppress the sex drive completely.

## **Behavioral Control and Treatment Compliance Assessment Tools**

The *penile plethysmograph* and the *polygraph* are two tools that may be used in conjunction with treatment to assess offender compliance and cognitive behavioral control.

### **Penile Plethysmograph**

The *penile plethysmograph* is used to measure the erectile response in males. During this procedure, the offender is located in a private room and instructed to place a gauge onto the shaft of his penis. The gauge is connected to a chart recorder in an adjoining room, where an evaluator has verbal contact during the evaluation. The offender, seated in a recliner, is presented with deviant and non-deviant sexual stimuli; the gauge detects change in the size of the penis. The response is recorded on a strip chart that provides a record of the offender's arousal patterns. An offender's sexual arousal to particular stimuli does not mean the offender has acted on this arousal. Therefore, this instrument can never be used to argue innocence or guilt to a particular charge.

### **Abel Assessment of Sexual Interest**

The Abel Assessment of Sexual Interest (AASI) is designed to identify issues related to the nature and pattern of deviant sexual interests. The AASI is an objective measure of sexual interest based on a client's viewing time to 160 slides depicting men, women, and children in various degrees of clothing. The AASI also includes a fairly comprehensive questionnaire designed to address sexual attitudes, behavior, degree of a client's willingness to disclose sexual cognitions and behaviors, and the discrepancy or consistency with the objective (viewing time) portion of the test.

It must be emphasized that viewing time and related measures, such as visual reaction time, have been empirically associated with sexual interest and sexual arousal, and as such, can be a very useful instrument to assess offenders along these dimensions at various stages of treatment or intervention. However, this and similar instruments cannot be interpreted to indicate guilt or innocence with respect to sexually offense allegations in the past or whether the

client will engage in sexually inappropriate behavior in the future. On the AASI, the client also indicates ratings of sexual interest that are scored independent of the client's visual reaction time.

### **AASI Categories**

- Adult males and females;
- Adolescent males and females (ages 14-17);
- Young males or females (ages 8-10); and
- Very young males or females (ages 2-4).

Evidence of significant viewing time in the prepubescent categories (very young and young males and females) is associated with pathological and/or deviant sexual interests. Conversely, a high percentage of normal subjects also may tend to show visual reaction time indicative of high interest in adolescent females or males (ages 14-17). Generally, these latter patterns of response are not associated with deviant or pathological sexual interests with this instrument.

### **Polygraph**

The polygraph instrument is capable of recording a person's respiratory pattern and changes, galvanic skin response, and cardiovascular patterns. Changes are simultaneously recorded both visually and permanently, and are used to detect deception or verify truth of statements made to an examiner.

## Special Populations

Effective treatment of sex offenders must include modalities and techniques applicable to special populations of offenders. The type of programming selected must be determined through completion of a sex offender assessment that is conducted by a clinician or treatment provider with specialized skills and training related to these populations. Following is a brief description of specialized techniques and approaches to some of the special sex offender populations.

### **Offenders in Denial**

Sex offenders often present varying levels and forms of denial. There is evidence that offenders who deny their offenses are not necessarily more likely to re-offend. However, research indicates that offenders who fail treatment re-offend at a higher rate than those who complete treatment. Additional research indicates a correlation between denial and treatment failure. According to one study conducted by the Sexual Abuse Clinic of Portland, Oregon, an offender who totally denies allegations of sexual abuse is three times more likely to fail treatment than an offender who even partially admits involvement in the offense.

Some offenders in denial may benefit from sex offender treatment. Many treatment and correctional programs include groups specifically designed for offenders in denial. These groups are time-limited and are typically psycho-educational. Offenders who remain in denial at the end of the time-limited program should be considered in violation and subject to consequences, such as detention and possible revocation. Completion of this type of program is not to be considered successful completion of treatment, but a prerequisite to participation in sex offender treatment. When the offender begins to acknowledge and assume responsibility for the offense, he/she is referred to a sex offender treatment group.

Some treatment programs accept offenders in denial in regular sex offender treatment on a time-limited basis. This approach allows the offender to experience treatment and provides the opportunity for support, as well as confrontation by other offenders. This may be effective in breaking through the offender's denial.

### **Cognitively Impaired Offenders**

Although cognitively impaired sex offenders have special needs, they can be treated. In fact, the cognitively impaired present many of the same characteristics as higher functioning offenders. Both populations express levels of denial, lack empathy, and exhibit poor impulse control. However, the differences characteristic to this population must also be recognized.

Cognitively impaired offenders often have difficulty with daily living skills and problem solving, and may learn differently than higher functioning offenders. These differences must be considered in the development of treatment programs intended for this special population.

**Treatment Modalities and the Cognitively Impaired Sex Offender**

- A confrontational approach to denial was not effective in some studies. It was recommended denial is reduced by using an incremental disclosure approach, supported by arousal assessment data and staff tutors (for probationers/parolees, trained volunteers would be helpful).
- Studies have shown that intellectually disabled offenders had greater difficulty with self-care and solving life crises and as a result, they became more dependent on the program and staff.
- In these same studies, self-esteem was particularly difficult to address, because disabled offenders had fewer areas of competency. To compensate for these deficiencies, disabled offenders often exaggerated their accomplishments, were sensitive to criticism, overreacted to feedback, and were more fearful of change.

Group treatment, cognitive behavioral approaches, and relapse prevention models can be effectively applied to this population. However, separate groups specifically designed for cognitively impaired adults are recommended, if available. The use of specialized groups offers a slower pace and time for repetition necessary to accommodate the learning styles of these offenders. Use of separate groups also avoids the potential for possible ridicule by higher functioning offenders, which might occur in groups that include offenders of varying levels of cognitive functioning.

The use of additional support services is also recommended. These may include agencies and programs such as the Developmental Disability Board, County Human Services, and Volunteers in Probation. To effectively reinforce and support treatment goals, the agent must recognize and consider the special needs of this population. The agent may need to take more time with these offenders' repeating concepts, focusing on fewer coping strategies, and using easily understood, concrete language.

Agents must also recognize that the cognitively impaired offender is often eager to please and is not always truthful if faced with disapproval. Additionally, change in the offender's behavior may require more time. Increased time and patience by agents and others assisting the offender is often necessary. However, all members of the offender's personal and professional supervision network must be willing to hold the offender accountable and believe the offender is capable of changing behavior.

**Elderly Offenders**

Supervision and treatment of the elderly sex offender requires knowledge about the normal aging process, physiological changes, depression, dementia, and personality changes. Hardening of the arteries can affect the ability to control impulses, such as anger and sexuality. Treatment is rarely suggested for this type of offender, but supervision and external controls are imperative. In some cases, elderly offenders may be appropriate for sex offender programming. Therefore, treatment providers should be consulted relative to possible referrals for treatment. Recommendations for the elderly should be determined on a case-by-case basis.

**Female Offenders**

While the dynamics of sex offending by females typically differs from the dynamics of male offenders, the goals for supervision and treatment remain very much the same. However, treatment techniques and approaches must address the issues unique to female offenders. Treatment providers must have expertise in the dynamics of sex offending by females.

Recognition of the abusive nature and trauma caused by these offenses is sometimes minimized or discounted, due to societal values and stereotypes about women as nurturers or victims, rather than as perpetrators. Treatment for females should not focus on the offender's victimization issues to the exclusion of her issues as an abuser.

Female offenders generally present a wider range of comorbid conditions and unique barriers to effective treatment than male offenders. Practically, treatment providers must be prepared to address these conditions and barriers in an integrative way that emphasizes techniques and modalities designed for females.

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**Appendix: Treatment, Paraphilias**

<b>Name of Paraphilia</b>	<b>Object of Sexual Arousal/Orientation</b>
<b>Adolescentilism</b>	Impersonating an adolescent
<b>Asphyxiophilia</b>	Asphyxiation
<b>Autagonistophilia</b>	Live-show self-display
<b>Autonepiophilia</b>	Infantilism, wearing diapers
<b>Blastophilia</b>	Rape, a.k.a. Raptophilia
<b>Coprophia</b>	Feces
<b>Ephedophilia</b>	Adolescent partner
<b>Erotophonophilia</b>	Lust murder
<b>Formicophilia</b>	Crawling things
<b>Gerontophilia</b>	Parent-aged partner
<b>Hypoxyphilia</b>	Asphyxiophilia
<b>Infantilism</b>	Impersonating a baby
<b>Klismaphilia</b>	Enema
<b>Narratophilia</b>	Erotic storytelling
<b>Necrophilia</b>	Corpse
<b>Nepiophilia</b>	Infant partner, diaper-aged
<b>Olfactophilia</b>	Smell fetish
<b>Peodeiktophilia</b>	Penile exhibitionism
<b>Pictophilia</b>	Erotic graphics or films
<b>Somnophilia</b>	Sleeping partner
<b>Telephonicophilia</b>	Lewd phone calling
<b>Toucheurism</b>	Touching a stranger
<b>Transvestophilia</b>	Cross dressing
<b>Urophilia</b>	Urine
<b>Zoophilia</b>	Animals

**CHAPTER 7 — RISK ASSESSMENT**

## Overview

All sex offenders do not have the same risk of re-offending. Multiple studies have shown recidivism (as measured by re-arrest or reconviction) rates for convicted sex offenders vary greatly, ranging from less than five percent to more than 35 percent, based on such factors as the victim's gender, the offender's relationship to the victim, and whether the offender has received treatment. Differentiating higher risk offenders from lower risk offenders is important for the police, courts, correctional workers, probation/parole officers, and the general public.

Risk assessments address two general concerns. First, how likely is an offender to re-offend? Second, what can be done to decrease this likelihood? Although perfect prediction is not possible, the serious consequences of inaccurate risk decisions call for careful attention to the most appropriate methods of risk assessment.

It is important to understand that no person or instrument can “predict” behavior. To predict a behavior is to say that behavior will or will not occur. In risk assessment of sexual offenders, the goal is to understand how likely, probable, or predisposed the offender is to reoffend. Statistics demonstrate how “probable” a particular offender is to offenders who recidivated. For example, an offender may be likely to be rearrested 16 percent of the time in a five-year period. In other words, that offender is similar to other offenders who were rearrested 16 percent of the time in five years after their release.

Why not just predict? Why focus on risk assessment? Predictions are either right or wrong and the stakes are high for either new victims or can result in the incarceration of someone who could have been managed otherwise. Also, predictions are still and unchanging. Risk assessment recognizes that offenders and their behavior present fluid and ever-changing dynamics, raising and lowering their risk levels at different points in treatment and supervision. Increasing our assessment skills and accuracy is necessary to become more effective.

Structured risk scales have sufficient accuracy in assessing sex offense recidivism to be useful in applied contexts. Their predictive accuracy, although far from perfect, is clearly superior to other methods used to assess risk with sex offenders (e.g. unstructured clinical judgment). Different types of risk factors are relevant for different types of risk decisions. Static, historical factors (such as age at first offense and prior criminal history) can be used to assess long-term recidivism potential. Static factors are typically unchangeable or are historical. The evaluation of change in offender risk level, however, requires the consideration of dynamic (changeable) risk factors. These are the factors that treatment, supervision, and management can most dramatically impact.

This chapter primarily will concentrate on the identification of factors that research has shown to be correlated with increased risk of sexual recidivism across offender populations. Commonly used risk assessment instruments that have been shown to be reliable with moderate predictive accuracy will also be covered.

## Background of Sex Offender Risk Assessment

The field of risk assessment of sex offenders has changed dramatically since 1996. Prior to that time, the assessment of risk in sex offenders was largely a matter of individual judgment. Each person assessing risk would use their own past experience and training to decide whether he/she felt the offender was likely to re-offend, without the use of specialized instruments.

However, the problem with relying on individual or clinical judgment was that factors considered important by one evaluator might differ from those deemed important by a second. For example, one individual might give considerable weight to whether the offender appeared to have empathy for victims, whereas another evaluator might consider the offender's prior criminal record as the most important predictor.

Given these differences, it is not surprising that clinical judgment alone has not been unreliable in predicting new offenses. In a large meta-analysis of the research on sex offender recidivism, Hanson and Bussiere (1998) found that clinical judgment differed little from chance in the ability to predict recidivism. On the other hand, actuarially derived combinations of risk factors showed a better ability to predict new offenses. Actuarial factors are those demonstrated in research to be statistically related to those offenders who were rearrested or reconvicted in studies of recidivism. When a clinician incorporates this "empirical" information into judgment or uses actuarial tools, the accuracy of the risk assessment increases significantly.

## Current Methods of Assessing Risk in Sex Offenders

In the late 1990's and into 2000, a number of research articles were published that predicted sex offense recidivism. Also around that time, experts began to develop and publish recidivism risk scales designed specifically for sex offenders. These included:

- Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)
- Minnesota Sex Offender Screening Tool-Revised (MnSOST-R)
- STATIC-99
- Sex Offender Need Assessment Rating (SONAR)

The remainder of this chapter will be devoted to a review of the recent literature addressing sex offense recidivism rates and specific predictors. Descriptions of the above-cited risk assessment scales will also be provided.

### **Hanson and Bussiere Meta-Analysis (1996)**

Hanson and Bussiere (1996) were the first to extensively examine those factors that contributed to sexual offender recidivism. They conducted a meta-analysis of the existing research on sexual offender recidivism. A meta-analysis combines all the studies in a meaningful way, so the factors can be statistically identifying when all the groups in the studies are compared.

Based on this analysis, it was now possible to say what the *detected* re-offense rate of sex offenders was likely to be, based on a very large sample of offenders, as well as which factors are most correlated with recidivism.

Hanson's and Bussier's review examined 165 potential predictor variables from 61 different follow-up studies. The geographic distribution of studies was widespread and included research from six different countries. The review included data from a total of 28,972 sexual offenders, although fewer were available for any particular analysis.

The most common measure of recidivism was reconviction (84%), followed by arrests (54%), self reports (25%), and parole violations (16%). Almost half of the studies used more than one measure. The studies tracked offenders who came from institutions (48%), the community (25%), or from both (27%). Nineteen studies focused on correctional samples.

The results of these findings surprised many people, as the rates of re-offense were lower than expected. Results of the meta-analysis were as follows:

**Recidivism Rates of Sex Offenders (four-five year follow-up period)**

Sex Offense	13.4%
Violent Offense	12.2%
Any Offense	36.3%

There were, however, differences in the recidivism rates for different offense types. Results summarized by type of offense were as follows:

**Recidivism Rates by Types of Sex Offenders (four- to five-year follow-up period)**

	<b>Rapists</b>	<b>Child Molesters</b>
Sex Offense	19%	13%
Non-Sexual Violent Offense	22%	10%
Any Offense	48%	37%

Rapists were more likely to recidivate sexually than child molesters. They were also more likely to recidivate with a non-sexual violent offense than child molesters, and with any offense. Among child molesters, however, the rate of sexual offense recidivism was much lower for the incest offenders than for the boy-victim offenders.

It is important to remember that these are detected re-offense rates. Without doubt, not every offense is identified. It is also important to note that these are relatively short-term rates; research has demonstrated that sexual offenders continue to commit offenses long beyond five years post-release.

### **Predictors of Sexual Recidivism**

In addition to determining the rates of recidivism in sex offenders, the Hanson and Bussiere meta-analysis also identified factors that predicted sexual recidivism and those that predicted violent recidivism. Overall, sexual offense recidivism was best predicted by measures of sexual deviancy (e.g. prior sexual offenses, deviant sexual interests) and to a lesser extent, by general

criminological factors (e.g. prior offenses, age). Nonsexual violent recidivism and general recidivism were predicted by the same factors that predict recidivism in the population of nonsexual offenders (e.g. age, prior violent offense, juvenile delinquency).

### **Top Predictors of Sex Offense Recidivism**

- Plethysmograph Measured Sexual Interest in Children
- M/F scale of the Minnesota Multiphasic Personality Inventory
- Deviant sexual preferences
- Prior sexual offenses
- Personality disorder
- Negative relationship with mother
- Paranoia scale of the MMPI
- Low treatment motivation
- Stranger versus acquaintance victim
- Plethysmograph preference for boys
- Antisocial personality
- Victim female child (-)
- Age of offender (-)

Most of the items on the list are self-explanatory. Prior sexual offenses refer to the number of prior sexual offenses for which the offender has been caught. Personality disorder and antisocial personality disorder both refer to psychiatric diagnoses. The references to the MMPI refer to two scales of the Minnesota Multiphasic Personality Inventory (Butcher and Pope, 1992). Those offenders with more stereotypic female interests were more likely to re-offend, as were those offenders scoring higher on the Paranoia scale.

The most effective predictor of re-offending was a plethysmograph-measured interest in children, which requires some additional explanation. The plethysmograph is an instrument that directly measures sexual arousal in response to audiotapes that depict sexual interactions with children or adults. Each child vignette describes sex with a child of a particular age and sex. Preschool, middle-childhood and adolescent vignettes are presented in random order. In addition, the method of obtaining compliance is varied to include manipulated consent for each age group and violence.

The offender sits in a room alone and places a lightweight aluminum gauge or mercury filled plastic ring on his penis. Wires connect to a computer in the next room and as the audio tapes are played through a headset, the computer measures the degree of penile tumescence.

The plethysmograph simply measures sexual interest, that is, what age and sex person the subject is sexually aroused by and whether or not he is aroused by violence. It does not provide information on whether he committed a particular offense or not. Some child molesters have measurable deviant arousal patterns, meaning they are sexually aroused to children, but others

do not. Offenders who do not demonstrate deviant arousal to children appear to have other motivators for their sexual assault of children, such as arousal to coercion, control, or other factors.

Plethysmograph findings are not available on every sexual offender and thus, plethysmograph results are not included in most recidivism risk scales. It is important to note the significance of deviant sexual interest in children when that information is available, since it will not be factored into most risk predictor scales, yet is a strong predictor of relapse.

Also among the top predictors was a factor described as “deviant sexual interest.” This was coded separately from plethysmograph preference for children, because it referred either to different types of deviant interests (e.g. rape and child molestation) as opposed to the first item that only referred to a sexual interest in children. Also, the results came not just from the plethysmograph, but from other sources (e.g., self-report). Thus, even without a plethysmograph, deviant sexual interest (particularly in children) as noted by self-report, treatment notes, and/or the existence of a child pornography collection, for instance, should be considered to increase the likelihood of a re-offense.

In discussing the last two items on the list, it is necessary first to note that a negative correlation simply means there is a reverse relationship with recidivism. That is, a negative correlation with offender’s age means that younger offenders are more likely to re-offend than older offenders. Likewise, the negative correlation with female victims means that those offenders with female victims were less likely to re-offend than those with male victims. Findings from the meta-analysis indicated that young offenders and those with male victims tend to re-offend more often.

### **What Did Not Predict Re-offending?**

Equally interesting was what this meta-analysis found *not* to be correlated with sexual offending. Contrary to many people’s expectations, factors such as empathy, denial, social skills, childhood sexual abuse, general psychological problems, and alcohol abuse had very low correlations with recidivism.

### **Additional Issues**

It is interesting to note that Hanson and Bussiere separately factored out predictors of violent and sexual re-offending. Top predictors of violent re-offending included young age, a history of conviction for rape, minority race, a history of juvenile delinquency, prior violent offenses, and a diagnosis of antisocial personality disorder.

It would appear that young rapists of a minority race with a history of juvenile delinquency and prior violent offenses were most likely to re-offend with a non-sexual, violent offense. Sex offenders who had child victims and who were socially introverted were less likely to commit a violent offense. Alcohol abuse, low intelligence, prior sex offenses, and general psychological problems were not found to be predictive of violent re-offense.

The factors found by Hanson and Bussiere to be correlated with sexual recidivism do not make up an official scale with scoring and weighting for each factor and thus, should not be totaled and treated as a scale. However, the research spawned the development of a number of

actuarial instruments, or assessment scales based on the factors identified in the research, each that attempted to weight and score those factors to provide risk levels and probabilities for offenders.

When making an assessment of an individual offender's risk of re-offending, however, it is beneficial to consider all the factors that predicted sexual recidivism in the meta-analysis, even though some of them are not represented in the RRASOR or other actuarial tools. In some cases, you may have information on some or all of them.

### **Hanson and Morton-Bourgon: An Updated Meta-analysis (2004)**

In 2004, Hanson and Morton-Bourgon published an updated meta-analysis that summarized the results of 95 different recidivism studies. These studies, produced between 1943 and 2003, included more than 31,000 sexual offender and close to 2,000 recidivism predictions. Two independent raters coded each study. Results were considered valid if consistent findings were observed in a least three separate studies.

Two factors in the study showed the strongest correlation to recidivism risk: deviant sexual interests and antisocial traits. The sexual offenders most likely to re-offend had deviant sexual interests and antisocial orientations (e.g., history of rule violation, lifestyle instability, and antisocial personality). Deviant sexual interests refer to enduring attraction to sexual acts that are illegal (e.g., sex with children, rape) or highly the unusual. Although all sexual offending is deviant, not all sexual offenders have enduring preferences for such behavior.

Some additional predictors identified in the study have the potential of being useful targets for intervention. These included sexual preoccupations, conflicts in intimate relationships, hostility, and emotional identification with children. For prediction of violent non-sexual recidivism and general recidivism, the most important factor was antisocial orientation. General psychological problems (e.g., depression, anxiety) and clinical presentation (e.g., denial, motivation for treatment) had little or no relationship with sexual or general recidivism.

findings were essentially replicated in a January 2006 publication from Hanson and Morton-Bourgon, entitled "*The Characteristics of Persistent Sexual Offenders: A Meta-Analysis of Recidivism Studies.*"

## **Other Issues in Recidivism**

### **Long-term Recidivism Rates**

In the largest study of sexual recidivism conducted to date, Harris and Hanson (2004) conducted a meta-analysis of 10 different data sets on recidivism of sexual offenders. Sample sizes varied from 191 to 1,138, with a total of 4,724 sexual offenders included in the analysis. The average follow-up period was seven years, with some offenders being followed as long as 32 years. Offenders came from Canada, the United States, England, and Wales. Recidivism was defined as new charges (50 percent) or convictions (50 percent).

When the entire sample was examined, it was found that within the first five years of release, 14 percent had a new charge or conviction for a sexual offense. This percentage represents an

overall average for a mixed group of sexual offenders. In the following five years (between five and 10 years out), an additional six percent of sexual offenders re-offended sexually and in the following five years (between 10 and 15 years out) an additional four percent failed. Between 15 and 20 years post-release, an additional three percent had a new charge or conviction for a sex offense. After 20 years, 73 percent of sexual offenders had not been charged with or convicted of another sexual offense in the community. In other words, most offenders of all types were not rearrested or reconvicted of a new sexual offense. Keep in mind that the research reflected detected rates of recidivism.

Some groups had different recidivism rates. These include first-time offenders, offenders with male victims, older offenders, and those who were offense-free in the community. In a sub-analysis of this data, offenders were divided into those with a previous sexual offense on their record, and those without a previous sexual offense. First-time sexual offenders were found to be significantly less likely to sexually re-offend than those with a previous offense. Offenders with no prior sex offenses recidivated at about half the rate of repeat sex offenders (19 percent verses 30 percent after 15 years). Additional analyses indicated that “boy-victim” child molesters sexually re-offended at a higher rate than rapists, who recidivated more frequently than “girl victim” child molesters or incest offenders. It was also found that offenders over the age of 50 re-offended less often than younger offenders. Moreover, the longer offenders remained offense-free in the community, the less likely they were to re-offend.

### **Triggers of Sexual Offense Recidivism – Discovering “Dynamic” Factors**

Research identified the presence of “dynamic” or fluid/changeable factors in sexual offender recidivism. These “dynamic” factors were those behaviors or conditions demonstrated by offenders prior to recidivating and contributed significantly to their risk behavior.

In a study conducted by Hanson and Harris (1998), dynamic predictors of sexual recidivism were considered. This study compared 208 sexual offenders who committed a new sexual offense while on community supervision (recidivists) with 201 who did not (non-recidivists). The offenders came from both federal and provincial correctional systems throughout Canada. Recidivists and non-recidivists were matched on a number of officially recorded offenses, as well as victim type (approximately equal numbers of rapists, boy-victim child molesters, and girl-victim child molesters). Information was collected through interviews with probation and parole officers and file reviews. The offenders themselves were not contacted. Two time periods were examined: the four to six weeks just prior to re-offending, and an equivalent period six months earlier. This enabled the examination of stable differences between the recidivists and non-recidivists, as well as immediate precursors to re-offense.

The recidivists differed from the non-recidivists on many factors. The recidivists were generally considered to have poor social supports, sexual pre-occupations, attitudes tolerant of sexual offending, poor self-management abilities, and antisocial lifestyles. Recidivists also were less cooperative with community supervision. The overall emotional mood of the recidivists and non-recidivists was similar, but the recidivists showed increased anger and subjective distress just prior to re-offending. With few exceptions, the same factors were important for child molesters and rapists. Equal numbers of recidivists and non-recidivists had attended specialized treatment

programs. The recidivists, however, were those most likely to have dropped-out or to have been described as poor treatment candidates.

Dynamic risk factors reported by the supervising officers continued to be strongly associated with recidivism, even after controlling for pre-existing differences in static risk factors, including criminal history, prior sexual deviance, and intelligence.

### **Age and Recidivism**

In May 2001, Hanson published an article concerning age and sexual recidivism. Information from 10 studies of adult male sexual offenders from Canada, the United States, and the United Kingdom was combined for a total sample of 4,673. For half the studies, the follow-up period was five years or more, with a range of two to 16 years. The observed rates of sexual recidivism ranged from seven percent to 36 percent, based on the criteria used in the original studies, which included charges, convictions, and/or readmissions to the hospital.

On average, the rate of sexual recidivism decreased with age. The effect was not large and the patterns were different for rapists, extra-familial child molesters, and incest offenders. For rapists, the highest risk age period was between 18 - 25 years, with a gradual decline in risk for each older age period. There were very few older than age 60, and none were known to recidivate sexually. In contrast, the highest risk period for extra-familial child molesters was between the ages of 25 and 35, with only modest declines in their recidivism risk until after the age of 50. Incest offenders were less likely to recidivate than either rapists or extra-familial child molesters; however, incest offenders in the 18 - 25 year age group were among the offenders most likely to sexually re-offend. Results were noted to be consistent with developmental changes in sexual drive, self-control, and opportunities to offend.

However, there have been some criticisms of this research with regard to sample size and attrition rates. Some studies suggest that the recidivism rates for those with pedophilia, or deviant sexual interests in children, may not diminish. Age does not eliminate risk.

### **Risk Assessment Instruments**

Four commonly used risk assessment tools will be discussed in this section. Please be advised that this information is not sufficient to allow untrained individuals to use these tools. Specialized training is necessary and highly recommended. The purpose of this section is to familiarize readers with these instruments, as they frequently appear in psychological reports and evaluations done on sex offenders.

#### **Rapid Risk Assessment for Sex Offense Recidivism (RRASOR)**

As mentioned previously, Hanson developed this scale from his meta-analysis of factors that predicted sexual re-offending. He did not intend it to measure the risk of violent and/or general recidivism, but only sexual recidivism. The scale was developed on six samples of incarcerated sex offenders. It was cross-validated on a seventh sample. The total sample size was 2,592. Because it has been validated and cross-validated on a large sample, it has good psychometric properties.

The RRASOR is comprised of four items:

- Prior Sexual Charges or Convictions
- Age at Release
- Victim Gender
- Relationship to Victim.

Points are assigned to these four different factors, based on scoring criteria outlined by Hanson. Scores range from 0 - 6 The interpretation of these scores is shown below.

RRASOR Interpretation of Scores		
Score	5 years % Re-offended Sexually	10 years % Re-offended Sexually
0	4.4	6.5
1	7.6	11.2
2	14.2	21.1
3	24.8	36.9
4	32.7	48.6
5	49.8	73.1

This table indicates that approximately four percent of the offenders in the development and cross-validation sample who scored “0” re-offended sexually in five years, and approximately seven percent would be expected to recidivate sexually in 10 years. By contrast, 50 percent of those offenders who scored a “5” re-offended sexually in five years and about 73 percent would be expected to re-offend in 10 years. Thus, if an offender under supervision in the community scored a “3” on the RRASOR, for example, it would be accurate to say that he had the same score as offenders, 36.9 percent of whom would re-offend sexually in 10 years.

Statistically, all instruments can be tested to determine the strength of their correlation with recidivism. The RRASOR has a correlation coefficient of .27, which equates to “moderate” predictive validity. The fact that it is based on only four variables is both a strength and a weakness. The scale can be coded relatively quickly without requiring a clinical assessment or even an individual interview. Yet, it is clear that these are not the only four variables that are relevant to re-offense risk. Therefore, evaluators are cautioned about relying solely on the RRASOR, and advised instead to use it to establish a base line for risk of re-offending. Subsequently, it is necessary to adjust the assessed risk level up or down on the basis of other factors empirically linked to the risk of sexual recidivism for successful completion of treatment.

Finally, the RRASOR does not measure risk of nonsexual violent re-offending, but sexual offending only. In addition, it has only been normed on male, adult offenders who have been incarcerated. Thus, it would be appropriate for parolees, but not for probationers (unless they had a previous incarceration). It has not been normed on females, juveniles, and the mentally ill and thus, is not recommended for use with these populations.

**Minnesota Sex Offender Screening Tool-Revised (MnSOST-R)**

The MnSOST-R was developed by the Minnesota Department of Corrections to be used as a tool to identify high-risk sex offenders that might meet the provisions of Minnesota's sexual predator law. Two versions of the MnSOST were developed: an initial 23-item version released in 1995 and correlated moderately with sexual recidivism (Epperson, Kaul et al, 1995); and a new 16-item version released in late 1998 and has a better correlation with sexual recidivism than the former version (Epperson, Kaul et al., 1998).

Items of the most recent MnSOST are identified here.

- Number of sex/sex related convictions (including current)?
- Length of sexual offending history?
- Offender under any form of supervision when he committed any sex offense for which he was eventually charged and convicted?
- Any sex offense (charged or convicted) committed in a public place?
- Force or the threat of force ever used to achieve compliance in any sex offense (charged or convicted)?
- Any sex offense (charged or convicted) involved multiple acts on a single victim within any single contact event?
- Number of different age groups victimized across all sex/sex-related offenses (charged or convicted)?
- Offended against a 13-to 15-year old victim and the offender was more than five years older than the victim at the time of the offense?
- Victim is a stranger in any sex/sex-related offense (charged or convicted)?
- Evidence of antisocial behavior in the file?
- Substantial history of drug or alcohol abuse (12 months prior to instant offense or revocation)?
- Employment history?
- Discipline history while incarcerated?
- Chemical dependency treatment while incarcerated or on release?
- Sex offender treatment history while incarcerated?
- Age of offender at time of release?

Points are assigned to each of these factors, based on scoring criteria established by the test developers. Both plus and minus scores are possible on the MnSOST-R. The range of scores is theoretically from -14 - 31, with higher scores more indicative of risk to re-offend.

The interpretation of these scores is shown on the table that follows on the next page.

**Minnesota Sex Offense Screening Tool-Revised  
Development and Cross-Validation Sample Combined**

Score Category	Score Range	Percent of Total Sample	Full Sample N=351 recidivism rates	6-year Sample N=322 recidivism rates
I	-6 & below	4%	0%	0%
II	-5 to -1	21%	9%	10%
III	0 to 3	26%	20%	21%
IV	4 to 7	24%	39%	42%
V	8 to 12	17%	59%	63%
VI	13 and above	7%	70%	86%

The two far right columns in this table show recidivism results and can be interpreted as follows. The full sample included those men who were arrested for a non-sexual offense in the six-year period. They were treated as non-recidivists, because they had not committed a sex offense. They did, however, commit some type of offense.

The six-year sample excluded those men who were arrested for a nonsexual offense. Thus, it only includes those men who were either arrested for a sexual offense or remained at liberty for six years. Thus, the re-offense rates are higher in the six-year sample, as a number of men were deleted who were counted in the previous column as not offending.

The meaning of the recidivism numbers in this table could be shown by examples. Thus, an offender who scores an 11 on the MnSOST-R has the same score as a group of men, 59 percent of whom re-offended sexually in six years after release from prison.

It is important to note that re-offending rates must always be compared to the base rate for re-offending of the sample as a whole. For the meta-analysis, we learned that the naturally occurring base rate for re-offending in four years is about 13 percent. However, the base rate for re-offending in the validation study of the MnSOST was 35 percent over six years, a significantly higher figure. In the full cross validation study, it was 22 percent and in the six-year group, it was 31 percent.

These figures are all higher than expected, because over-sampling recidivists artificially inflated them. This was done because the intent of the study was to develop an instrument that would accurately predict re-offending, not to determine the naturally occurring base rate of offending. To develop such an instrument, robust sizes in the re-offends groups were needed. Thus, it is not accurate to say the figures produced above are a true indication of the re-offense rates of offenders over six years. The artificial base rate of the 35 percent in the largest sub-sample, the validation group, is an over-estimate of offense rates, and the re-offense rates in all the groups would be inflated as a result.

Adjusting the base rates to a more empirically-based level resulted in the following data.

**Recidivism Rates Associated with Different Base Rates in the MnSOST-R**

Score Range	15% Base Rate
3 & below	6%
4 to 7	22%
8 and above	44%
13 and above	88%

The MnSOST-R, like the RRASOR can be scored from criminal records. Also like the RRASOR, this test was developed on incarcerated adult male sex offenders. It has not been validated on juveniles or female sex offenders and thus, should not be used for assessing risk in these populations.

It is also noted that the MnSOST has not performed well in the prediction of sexual recidivism in incest offenders. It is not recommended for use for incest offenders who have no know offenses outside the home, unless the incest involves penetration of a child under 13 or forcible penetration of a child over 13.

### **STATIC-99**

The STATIC-99 was constructed by combining the RRASOR with another existing actuarial tool entitled the Structured Anchored Clinical Judgment (SACJ) (Thornton, 1997). The scale items are as follows:

- Prior sex offenses;
- Prior sentencing dates;
- Any conviction for non-contact sex offenses;
- Index non-sexual violence;
- Prior non-sexual violence;
- Any unrelated victims;
- Any stranger victims;
- Any male victims;
- Young; and
- Single.

Points are assigned to each of these in accordance with rules outlined in a coding manual written by the developers of the instrument (Harris, Phenix, Hanson & Thornton), with final scores ranging from 0 – 12. Scores are interpreted as follow:

**STATIC-99  
Sex Offense Recidivism**

Score	Risk Category	% Re-offended Sexually in 15 years
0,1	Low	10%
2,3	Medium-Low	18%
4,5	Medium-High	38%
6+	High	52%

Thus if an offender has a “4,” for example, his score puts him in a medium-high group that had a 38 percent re-offense rate over 15 years.

One of the interesting aspects of the STATIC-99 is that it has been shown to predict violent recidivism in sex offenders about as well as it will predict sexual recidivism. Violence, as defined in this instrument, includes but is not restricted to sexual offenses. Thus, rape or child molestation would be counted as violent, as well as assault, muggings, etc. Scores are interpreted below.

**STATIC-99  
Violent Offense Recidivism**

Score	Risk Category	% Re-offended Violently in 15 years
0,1	Low	17%
2,3	Medium-Low	32%
4,5	Medium-High	52%
6+	High	59%

Thus, someone with a score of 3 on the STATIC-99 has the same score as a group of individuals that over 15 years, had a 32 percent violent (including sexual) re-offense rate.

The STATIC-99 is a well-rounded instrument. This instrument has been validated and cross-validated. The total sample size of 1,208 is a robust size on which to make predictions. Its correlation with violent recidivism is .32; its correlation with sexual recidivism is .33. In addition, it will predict recidivism in incest offenders about as well as it will in extra-familial child molesters.

Like the RRASOR and the MnSOST, the STATIC-99 can be scored from records alone. Thus, it is possible to use it to rate all offenders, regardless of their level of cooperation. It is superior to the RRASOR, in that it has a higher correlation with recidivism and is more comprehensive.

Like the previously described scales, the STATIC-99 was normed on incarcerated adult male sex offenders. Thus, one would be extrapolating to utilize it with probationers, with females, and with juveniles. It is clearly not indicated for use with female sexual offenders.

### **Sex Offender Need Assessment Rating (SONAR)**

The SONAR was developed as a way of measuring dynamic factors (i.e., those variables that could change as a result of intervention or other factors). Harris and Hanson (2000), the developers, noted that the current wave of risk assessment instruments focused on static variables, which while helpful in predicting overall risk, were not responsive to change. Thus, an offender who has two previous convictions will retain these two convictions and the associated risk, regardless of any changes he may make in treatment.

The specific dynamic variables included in the SONAR were chosen because prior research (Hanson and Harris, 1998) had shown them to differentiate between a group of sex offenders who re-offended on probation versus a group of sex offenders who did not. The SONAR includes five relatively stable factors (intimacy deficits, negative social influences, attitudes tolerant of sex offending, sexual self-regulation, and general self-regulation) and four acute factors (substance abuse, negative mood, anger, and victim access). The stable factors were expected to endure for months or years, whereas the acute factors were expected to change over weeks or days. The validity of the scale was examined using data previously collected on 208 sex offenders who had recidivated sexually while on community supervision, and a comparison group of 201 sex offenders who had not re-offended.

The follow-up period was short. On average, the non-recidivists had completed 24 months of supervision at the time of the study, whereas recidivists re-offended within 15 months, on average.

While an attempt was made to match the recidivists with the non-recidivists on a number of static variables, differences remained. In particular, the recidivists were more likely to have diverse victims, paraphilias, prior non-sexual offenses, lower IQ's, and to meet the PCL-R definitions of psychopathy. In short, there were significant pre-existing static differences between the two groups that may have influenced results.

In general, the overall score and each of the nine variables differed between recidivists and non-recidivists. The strongest effect was on general self-regulation. The SONAR continued to distinguish the groups after controlling for other known risk indicators, including age, IQ, and scores on established measure of long-term risk potential.

This scale is unique in that it was developed on offenders under community supervision, some of who had not previously been incarcerated. It measures dynamic variables, which have otherwise been neglected via the overwhelming emphasis on instruments measuring static risk. Finally, it should be noted that although the SONAR has been validated, it has not been cross-validated. This makes it difficult to know the extent to which these results will replicate on a different sample.

## Summary and Conclusions

This chapter is intended to provide an overview of recent research pertaining to evaluating risk in sex offenders, as well as commonly used risk assessment instruments. Sufficient information is provided to apprise readers of known predictors of sexual recidivism and to increase their understanding of the scope and purpose of commonly used actuarial tools.

The level of sexual recidivism in sexual offenders is lower than is commonly believed. Not all sex offenders should be treated the same. Given the significant variability in sexual offenders' recidivism risk, policies and practices applied equally to all sexual offenders will waste resources on low-risk offenders, while not directing enough attention to high-risk offenders. The ability to distinguish between low-risk and high-risk sex offenders is sufficient to support special policies and practices directed at high-risk offenders (intensive treatment and supervision programs and "long term offender" designations). Most sex offenders are never reconvicted for a sexual offense, and less intensive interventions (e.g., probation) can be provided to low-risk offenders without compromising public safety.

Structured, actuarial instruments should be routinely used. Although additional information will be required in many assessment contexts, actuarial instruments have sufficient accuracy to make them an expected part of sexual offender assessments. The risk for sexual recidivism and non-sexual recidivism should be considered separately. Different factors predict different types of recidivism, although certain offenders may be at high risk for both types.

A range of risk factors must be considered when determining an offender's risk for sexual recidivism. Applied risk decisions with sex offenders, such as treatment outcome and supervision on conditional release, will benefit from considering both static and dynamic risk factors. For example, an assessment of high risk by a static risk scale may indicate the need for containment (incarceration); however, without a dynamic risk assessment there is little information regarding when the offender can be safely released. Since the risk level of an individual offender can change substantially, policies should allow for the reintegration of sexual offenders into the community and not in all cases, assume those who have committed sex offenses are indefinitely at high risk to re-offend.

Knowledge of dynamic risk factors is necessary to effectively treat and supervise offenders. Interventions should target those dynamic risk factors most strongly linked to criminal behavior. Sexual pre-occupations, negative peer influences, poor self-management, and poor cooperation with supervision are all factors associated with higher re-offense risk.

Careful evaluations of dynamic risk factors should increase the number of offenders who can be released successfully into the community. By monitoring the offender's risk indicators, supervising officers and treatment providers should be able to provide responsive (and in most cases, graduated) interventions to prevent sexual recidivism.

Finally, evaluators and supervising agents should understand that risk is fluid and changeable. We should never make a single, time-limited evaluation of an offender's risk. While offenders bring to us a baseline risk (their static factors), good treatment and effective supervision will reveal that individual's factors that are specific and personal risk of recidivism. The dynamic

factors have to be constantly monitored and no behavior that is relevant to the offense behavior should be ignored, no matter how “low-risk” the offender is “measured” to be.

No single instrument can measure or claims to measure all risk factors. There are many pathways to sexual assault and deviant, criminal behavior. Good treatment and supervision incorporates all available information, including the tools, but does not rely solely on any one piece to make effective decisions.

**CHAPTER 8 — PRE-SENTENCE INVESTIGATIONS (PSI)**

## Overview

The purpose of the pre-sentence investigation (PSI) is to provide the sentencing court with detailed information about the present offense, the offender, and the impact of the offense on the victim and community. The PSI report is to include a summary of information gathered by the agent through the completion of a thorough and objective investigation. The investigation includes a review of all pertinent documents, as well as interviews with the offender and others who have knowledge about the offense and the offender. Based on information gathered, the agent may provide a recommendation for probation with specific conditions, or for incarceration with conditions for extended supervision, and an anticipated supervision plan. Data included within the report should support the recommendation and provide clear, concise justification for the agent's conclusions.

In Pennsylvania, a second and separate process takes place for certain convicted sex offenders under Megan's Law, whereby the Sexual Offenders Assessment Board (SOAB) investigates convicted sex offenders prior to sentencing to determine classification as a Sexually Violent Predator (SVP). The SOAB investigation that precedes the assessment serves as a foundation for the assessment, contains much of the same information as a PSI, but is not intended to replace the PSI.

The court orders the PSI for use in sentencing decisions. This report also serves as a valuable source of information throughout the offender's criminal justice experience. As the offender moves through the criminal justice system, the information contained in the PSI can be useful to a variety of agencies. For instance, field staff uses this information for case planning. Also, institutional staff use this information assess the need for correctional programming, to determine security risk, etc. The report provides a historic record of the offender's offense and social history.

The PSI is a confidential document and may not be released to agencies outside the criminal justice setting. The information included in this report can be useful to corrections clinicians and contracted treatment providers when completing evaluations and developing treatment plans.

When preparing a PSI, the agent must recognize the sensitive, personal, and confidential nature of the information provided concerning the offender, the offender's family, the victim, and the victim's family. These considerations become even more important when completing investigations on sex offenses. The agent's training and skill in conducting the investigations and interviews is critical, due to the highly personal and intrusive content of the information gathered and because of the level of trauma caused to the victim and the victim's family.

The SOAB conducts post-sentencing, pre-release investigations for the Pennsylvania Board of Probation and Parole on sex offenders prior to parole consideration. This investigation will include many of the same domains as the pre-sentence investigation. All investigations focus on gathering the information necessary to answer the referral question.

This chapter includes the following information:

- Types and sources of data/information to be collected;
- Strategies for conducting interviews;
- Factors to be considered when completing each of the sections of the PSI format; and
- SOAB standards for sexual offender investigation.

### **Preparation for the Report**

In preparing to complete the PSI report, the agent should review all available documents and reports pertinent to the offense/offender, and interview offenders and others who may have information relevant to the case.

Included below is a list of documents, information systems, and individuals that may be sources of information.

### **Sources of Information**

- Offender
- Victim
- Offense Reports
- Criminal Complaint
- Police Reports
- Victim Statements
- Witness Statements
- Medical Records
- Any other relevant information
- Record of Offender's Criminal History
- JNET Record Check
- CLEAN record check

### **DOC Records**

- FBI
- Local record checks (magisterial record system)
- Sex Offender Risk Assessment Instruments
- Collateral Sources
  - Family members (including persons from present and prior relationships)
  - Present and past partners
  - Employment
  - Education\*\*
  - Companions
  - Military
- Treatment providers\*\*

- Victim's family members
- Victim/Witness Coordinator
- Sexual assault service provider\*\*
- Investigators
- Social Services\*\*
- Neighbors

\*\* Requires signed Confidential Information Release Authorization

### **Review of Records**

Documents to be reviewed in preparation for completing the PSI fall into the following four categories:

- Reports related to offense;
- Offender's criminal history/offense record;
- Offender's current/prior correctional experience; and
- Miscellaneous records/reports.

### **Reports Related to the Offense**

No sex offender interview should be undertaken without adequate knowledge of the offense behavior and the offender. Absent this knowledge, a sex offender is able to control the interview and prevent the opportunity to discover how he/she handles challenges and re-direction to the information presented.

Prior to interviewing the offender, the agent must review all available documents related to the offense, minimally:

- Criminal complaint
- Police reports
  - Affidavit of Probable Cause
  - Victim statements
  - Offender statements to other investigators.

This information can then be compared to information provided during subsequent interviews with the offender, victims, and investigators. Repeated interviews permit the offender to grow more comfortable disclosing difficult information, as well as provide the interviewer with the chance to observe manipulation and deception on the part of the offender. Information contained in these reports is also critical to understanding the victim impact and ensuring sensitivity when working with victims.

**Offender's Criminal History/Offense Record**

Sources of information relative to the offender's criminal history include the following:

- Federal Bureau of Investigation (FBI);
  - [www.courts.state.wi.us/circuit/](http://www.courts.state.wi.us/circuit/)
  - District attorney's files
- Clerk of Courts;
- Local police reports;
- Juvenile records; and
- DOC records
  - County jail records.

The offender may also be used as a source of information regarding prior record. However, it is important to verify all information provided by the offender and to compare the offender's version to official records. The source of all information is noted.

The agent must carefully investigate the nature of all prior offenses. Offenses that appear to be nonsexual sometimes include behaviors that are sexually motivated. Police reports and criminal complaints relative to prior offenses may contain detailed descriptions of behaviors. If the offender has convictions in other states, the agent must contact corrections and law enforcement agencies in those states to obtain information about the nature of these convictions.

Additionally, any use of aliases by the offender should also be noted. Use of aliases to conceal identity and maintain anonymity increases the offender's level of risk.

**Offender's Current and Prior Correctional Experience**

Information related to prior periods of supervision and incarceration contained in the following records should also be reviewed:

- DOC information systems;
  - County prison/jail records
- Case file material, including evaluations/treatment summaries;
- Institution records;
- Prior PSIs/Social Investigations/Revocation Summaries; and
- Offense records.

Case file material relative to prior offense history, past behavior, attitude/adjustment to supervision, treatment history, education, employment history, medical/psychological reports, etc., should be considered.

### **Miscellaneous Resources and Reports**

Other types of information to be reviewed include:

- Offender educational records;
- Offender medical/psychological reports;
- Offender counseling/treatment records;
- Offender psychosexual evaluations/reports; and
- Offender military records.

Frequently, the offender, family members may be receiving counseling and treatment services at the time the PSI is prepared. In these cases, a signed Confidential Information Release is needed to access this information. The release form is also needed to access all educational, medical, psychological, and psychosexual evaluations and reports.

If a psychosexual evaluation of the offender was completed prior to the order for a PSI, this report should be carefully reviewed. If a psychosexual evaluation is not available, the agent should consider obtaining such an evaluation prior to sentencing, wherever possible. However, the offender only should be referred to a psychologist/therapist with expertise and training in the assessment and treatment of sex offenders. The therapist's expertise can be judged against the *Standards for the Treatment and Management of Sex Offenders*, published by the SOAB. A copy of the completed report should be attached to the PSI.

To access military records, the agent should obtain a copy of the discharge papers (DD214) from the offender. The County Veteran Service Office (CVSO) can help agents obtain documents and/or document numbers needed to request military information.

### **Sex Offender Risk Assessment Instruments**

A sex offender risk assessment instrument evaluates an offender's risk to recidivate sexually. The findings of the assessment are used to advise the court of the offender's risk potential. Assessments should be made using a valid and reliable risk assessment tool.

The following risk assessment instruments currently may be used to assist in determining the offender's risk for re-offense:

- Rapid Risk Assessment for Sex Offense Recidivism (RRASOR)
- STATIC-99.

While both of these tools have been developed for use by non-clinicians, anyone using them must first complete specialized training prior. The RRASOR and STATIC-99 can be completed using information and records obtained for the PSI and do not require an interview with the offender. Information used to score these instruments includes:

- Prior sex offenses;
- Prior sentencing dates;
- Convictions for non-contact sex offenses;
- Relationship of the offender to any victims, including if the offender was a stranger to the victim;

- Prior non-sexual violence convictions;
- Information indicating that the index offense involved non-sexual violence;
- Information about offenses that involved male children;
- Age of the offender; and
- Information that indicates that the offender is single and/or has never been married and/or lived with a lover for at least two years.

If these risk assessment instruments are used during the PSI process, the factors used to calculate the scores are to be documented in the summary and conclusions section of the PSI report, rather than indicating the actual numerical scores. This is especially important, as not all judges, district attorneys, and/or defense attorneys have received training or are familiar with the use of these instruments.

### **Interviewing the Offender**

The completion of a thorough and objective investigation will require the agent to conduct interviews of the offender and others who may have information relative to the case. Individuals to be interviewed include:

- Offender
- Victim(s)
- Collateral Sources.

Ideally, an initial interview with the offender early in the investigation, and a second or even third interview will occur as additional information is discovered. A second or multiple interviews with the victim, family members, and/or other collateral sources may also be necessary, as it is not uncommon to receive conflicting or contradictory information that will require further explanation and clarification. Great care is to be used with victim interviews so the victim is not re-traumatized.

Information included in this section describes general information, techniques, and guidelines for conducting PSI interviews. The specific topics and issues to be covered during these interviews are described in detail in the sections of the PSI format portion of this chapter. Additionally, various interview guides are included in the appendices. It should be noted that this manual is not designed to replace the need for special training in techniques and dynamics in conducting sex offender interviews. A successful interview will not take place where the interviewer is not thoroughly prepared and knowledgeable about sex offenders.

Due to the nature of these offenses, interviewing the sex offender requires skill and careful planning. The scope of the interview, intrusive nature of questions asked, and discussion of sensitive, personal issues often creates discomfort and embarrassment for the offender. Conducting the interview in a straightforward, professional, nonjudgmental manner is critical to set the tone, establish rapport, gain the offender's cooperation to provide information, and establish a foundation for a constructive relationship, if the offender is placed on supervision.

### **Interview Tips and Tools**

The person conducting the interview must adapt his/her style to the needs of the offender. Your goal is to get information. The initial interview should focus on topics such as family history and personal background information. These topics are generally less threatening to the offender and facilitate rapport between agent and offender. Sources of information for medical, psychological, and educational data also should be identified during the initial interview. Confidential information release authorization forms should be completed at this time.

Subsequent interviews should focus on the offender's version of the offense and his/her sexual history. While it is appropriate for the agent to ask probing questions and use restatement to clarify information, it is recommended that confrontation of denial occur only with an underlying attitude of support. Confronting denial more directly will occur during treatment and supervision; it should be avoided during this investigatory process. If the investigator is limited to a single offender interview, he/she should follow this same format, starting with less threatening topics and working into the more intrusive areas of concern.

Initial and subsequent interviews with the offender are conducted:

- To obtain information on family history, marital/alternate family relationships, and other personal background information;
- To obtain information about the offender's prior record/criminal history;
- To obtain the offender's version of the offense;
- To obtain information to complete an initial sex history;
- To determine the offender's level of denial/minimization;
- To assess risk factors;
- To assess programming needs;
- To assess the offender's amenability to treatment; and
- To assess the offender's understanding of the impact of the offense on victims, the victim's family, and community.

### **Guidelines for Conducting Offender Interviews**

- Describe the interview process and purpose (Informed Consent).
  - Describe who will have access to information included in report and why.
- Explain limits of confidentiality.
- Briefly describe the agent's role in this process.
  - The agent should present him/herself as a professional who will not be shocked or surprised by the content of information discussed.
- Use behaviorally specific or commonly understood vocabulary.
- Describe offenses and paraphilias in behavioral, rather than criminal terms.
- Offer a brief description, then ask when the offender has engaged in this type of behavior
  - Rather than using the term sexual assault or rape, say something like this instead.  
"Sometimes a man finds himself in a situation when he wants to have sex with a

woman who acts like she doesn't, but he has sex with her anyway. Tell me about times you have done that.”

- Maintain control of the interview.
- Redirect the offender to relevant issues, as necessary.
- Remain firm and unintimidated by the offender's display of power or manipulation.
- Ask open-ended, direct questions in a straightforward manner
- Be familiar with data included in victim's reports/statements. Elicit information from the offender by referring to details reported by victim.
- Continue to clarify information by repeating the same questions or asking for the information in another way.
- Clarify inconsistencies.
  - “I do not understand. First you said...now you say...” “You said Margaret is not generally a liar, but what she said you did with her is entirely untrue. I can't understand why she would say those things about her father if they weren't true. Can you explain?”
- Continue to gently probe for information. If offender becomes defensive, temporarily redirect the discussion to less threatening topics and return to the sensitive issue later.
- Conclude the interview with a general closing statement and ask offender to comment on anything that may have been omitted.
  - “We have discussed all of the topics I intended to ask you about today, but I want to be certain I didn't miss anything. Is there anything else you think I should know about you or this incident?”

Formats for obtaining information related to the offender's personal/family relationships and sexual history are included in the following appendices:

- Appendix 8-A: Relationship History Outline
- Appendix 8-B: Sexual History Outline
- Appendix 8-C: Sexual History and Behaviors Questionnaire
- Appendix 8-D: Alternative Interview Schedule
- Appendix 8-E: Family Attitude and Assessment of the Offender.

Use of the Sex Alternative Interview Schedule during the PSI or intake process provides a baseline for obtaining sex history information. Repeated use of the questionnaire throughout both the investigation and ongoing treatment and supervision of the offender provides the opportunity to discover additional information or conflicting information. Coding/dating the data recorded will provide a means of recording offender evolution. SOAB investigators use structured interviews, such as the PCL-R and VRAG interviews, to provide a format and data for SOAB members in the pre-sentence or pre-release assessment.

### **Interviewing the Victim**

Information provided from the victim's perspective is critical to complete a thorough and objective investigation. Interviewing victims requires skill, knowledge, and sensitivity to victim

issues. Most sexual assault victims have experienced a loss of trust that may extend to the agent. Agents must recognize the trauma experienced by victims of sexual assault and acknowledge the emotional pain and discomfort caused by the recollection and discussion of details of the offense.

The scope of the interview, nature of questions asked, individuals present, and location chosen will vary, depending on the nature of the crime. In some cases, the victims will be interviewed directly. In other cases, members of the victim's family or alternate family relationships may be interviewed. Interviews with child victims are usually not necessary and should be avoided, if possible. Children should not be subjected unnecessarily to the trauma caused by being required to repeat details of the offense. A law enforcement officer or Child Protection Services personnel may be able to provide information necessary to complete the PSI.

Agents must make every effort to contact and interview adult victims to ensure the court receives information about the offense and the impact of the offense presented from the victim's perspective. However, victims may choose not to be interviewed nor involved in the process. In these cases, the victim's decision must be respected. The agent should then rely on details included in investigator/police reports including any available victim statements, victim medical reports, as well as information from other collateral sources. Using these sources, the agent can obtain a description of the offense and effects/impact of the offense on the victim.

If the victim is willing to be interviewed, follow the guidelines provided in this section.

**Reasons for Victim Interviews:**

- To allow the victim an opportunity to provide input throughout the PSI process and at sentencing;
- To determine the level of involvement/information the victim desires relative to the offender's experience within the correctional system;
- To corroborate the information provided in criminal complaints, police reports, and the offender's version of the crime;
- To offer the opportunity to provide additional information without requiring that the victim restates all the details of the offense;
- Due to the nature of trauma, the victim may now recall details omitted from information provided to law enforcement or may provide details they did not consider important at the time they provided a statement to law enforcement.
- To assess the impact of the crime on the victim and victim's family, ensuring this information is available to the court;
- To obtain information about the offense that reveals the offender's points of denial/minimization;
- To obtain information about the offender's methods for gaining access to victims, grooming techniques, and patterns of coercion/use of force;
- To assess risk factors associated with the offense;
- To address restitution issues; and

- To indirectly assist the victim in the healing process and empower them to regain a sense of control.

The SOAB does not routinely conduct victim interviews, in order to minimize victim trauma as much as possible. The SOAB, when needing to speak to a victim, reaches out through the various offices of victim services and will always be available to the victim. Quality reports from collateral agencies provide the necessary details to address issues.

Prior to the interview arrange for a victim advocate to be present at the interview. The victim advocate will be available to offer emotional support to the victim which will facilitate the interview process for the agent, The victim advocate will also be able to offer the victim ongoing support, information and appropriate referrals.

### **Guidelines for Conducting Victim Interviews**

- Describe the process and purpose.
- Introduce and present yourself as a professional who recognizes the personal and sensitive nature of the issues to be discussed and the discomfort that may be caused by such discussion. Also describe yourself as a professional who will not be surprised or shocked by the content.
- Briefly describe the agent's role in the process.
- Describe who will have access to information included in the report and why.
- Explain limits of confidentiality.
- Allow the victim as much control as possible.
- Offer the services of victim advocate and/or allow the presence of other individuals who may provide support for victim (in addition to the victim advocate).
- Offer services of an interpreter, if necessary.
- Request permission to use the victim's first name.
- Create an atmosphere that supports open communication and empowers the victim.
  - Do not position yourself behind a desk, with victim seated across from you; this creates an imbalance of power. Position seats on the same side of the desk/table, or use a conference table and chairs.
  - Do not block the area's only exit; the victim may feel trapped.
- Be aware of nonverbal messages.
  - Maintain appropriate eye contact without staring. Avoiding direct eye contact may support the victim's feelings of shame or guilt.
- Respect the victim and remain nonjudgmental
- Acknowledge the courage and strength required to survive the assault.
- Do not focus on what might be perceived as poor judgment exercised by the victim.
- Recognize and acknowledge that the offender is responsible and is to be held accountable for the offense.
- Do not blame the victim.

- Provide assurance that the victim is not to blame.
- Be aware of the victim's level of discomfort.
  - Do not minimize or fail to recognize the impact of the assault by simply accepting polite statements, such as "I'm fine," which may be a deflection of the victim's discomfort, rather than an accurate portrayal of the victimization.
  - Ask the victim to describe the changes that have and will continue to occur in their life as a result of the offense.
  - Recognize that victims of sexual assault may be particularly sensitive to personal boundary issues. Touching, even if intended as a comforting gesture, should not be initiated without their permission.
- Maintain a non-judgmental, non-threatening tone.
- Listen carefully and respond positively and appropriately.
- Balance questions by asking the victim about their feelings.
- Do not interrogate the victim.
- Avoid asking "why" questions, as it may imply blame.
  - Rather than ask, "Why didn't you...." Instead ask, "Was there any opportunity to resist, escape, etc.?"
- Use behaviorally specific or commonly understood vocabulary.
- Do not refer to sexual contact as "making love."
- Clarify and explain unfamiliar terminology.
- Do not re-victimize by requiring the victim to relive the trauma of the offense.
- Use other sources of information, such as police, social services, and medical reports to obtain details, rather than asking the victim to repeat highly sensitive, emotional details.
- Avoid focusing unnecessarily on sexual activity.
  - Excessive questioning related to these areas can be intrusive and appear voyeuristic.
- Allow sufficient time for the interview.
- Do not rush the victim or interrupt their responses.
- Conclude the interview by offering access for further victim input.
- Ask the victim to comment on anything that may have been omitted.
- Allow time for the victim's questions.
- Offer the victim an agent business card, work address, and telephone number; encourage contact if the victim chooses to add information at a later date.
- Offer written information on services and assistance available through a local sexual assault program or other victim services programs.

## Victims' Feelings, Experiences

In conducting victim interviews, agents should be aware of the following common reactions experienced by victims:

- Fear
  - Victims may fear retaliation, threats, stalking, and further assaults.
- Offender's Support System
  - Especially in small communities and/or in cases where the offender knows the victim, victims may fear the friends/family of the offender and avoid contact with these individuals. These fears may cause the victim to become socially isolated and can undermine the victim's self-esteem. These fears are particularly detrimental to victims of incest, when family members support the offender, rather than the victim.
- Criminal Justice System
  - The processes of law enforcement agencies, district attorney offices, and the courts are often complicated, confusing, and intimidating for individuals unfamiliar with these systems. Victims frequently feel re-victimized when questioned and required to repeat sensitive, personal, emotionally painful details of the offense to various representatives of the system.
- Media Exposure
  - By reporting the assault to law enforcement, many victims fear exposure of identity and a violation of privacy through news reports that include sensitive personal information.
- Medical Process
  - Completion of the medical examination is often the first time since the assault that the victim's intimate parts have been touched. The exam may trigger flashbacks of the assault and may cause the victim to feel powerless.
- Court Appearance
  - As the victim travels through the legal process, several court appearances may be necessary. Court procedures are often intimidating. Although conducted within highly structured proceedings, court appearances sometimes require the victim to come in contact with the offender, often for the first time since the assault.
- Anger
  - Victims typically feel anger about the assault itself and the resulting disruption to their lives. Victims may also feel anger toward the offender, legal system/process, family, friends, and themselves. While victims may not be consciously aware of their behavior, this anger is frequently misdirected and may surface during interactions with various individuals, including the agent, who may come into contact with the victim after the assault.

- Guilt
  - Victims sometimes feel responsible for what has happened to them, believing that in some way, they could have prevented the assault. These beliefs are reinforced by societal myths and stereotypes about victims of sexual violence (i.e., all women entertain a rape fantasy, “no” really means “yes”, etc.).
  - In cases where the victim and offender are within the same family or household, reporting the offense and prosecution of the offender typically cause significant economic, psychological, and emotional ramifications. The main “breadwinner” may be incarcerated and become unemployed; the family may lose their home, etc. The victim may feel responsible for the impact on the family and guilty about having disclosed the assault.
- Shame and Embarrassment
  - Victims typically feel shame and embarrassment, as the personal violation is now revealed to many individuals. Behaviors, actions, and areas of the body that normally would be maintained as private parts of the victim’s life are now exposed, not only to the offender, but also to court personnel, police, social services staff, family, friends, and often the general public via the media.
- Denial
  - Victims often experience varying levels of denial about the fact that the assault happened, the severity of the assault, and their own feelings.
- Damaged
  - Some victims feel the assault destroyed some part of them, and that they are no longer acceptable to others.
  - Some victims believe they are inherently flawed and for this reason, were targeted or selected by the offender and identified as someone who would be vulnerable to the assault.
  - Child victims may display a lack of boundaries, often as a result of abuse occurring at an age when a child would normally learn to discern the difference between appropriate and inappropriate behavior. The problem may be compounded by the fact that the perpetrator of the abuse may be an authority figure in the child’s life whose role should be to model appropriate boundaries.
- Betrayed
  - Victims frequently feel betrayed by the offender, the criminal justice system, and by their own support system—including family, friends, and church.
- Ambivalent
  - Many victims experience feelings of ambivalence about reporting the offense, utilizing victim advocates/service providers, testifying in court, and about what consequence they believe should occur for the offender. Victims often lose confidence in themselves and are unable to trust their own judgment.

- Isolated
  - Emotionally
    - Victims often feel misunderstood and unable to relate their experience to those around them. In cases of incest, the obligation to maintain “the secret” is frequently more damaging to the victim’s self-esteem than the actual sexual assault. If the perpetrator is a family member, the victim may have equated the abuse with love. The victim may still feel love for the perpetrator.
  - Physically
    - Victims who are sexually assaulted by a partner or parent-figure may have been controlled by the offender and isolated from other support systems during the period of time the abuse/assault occurred. Subsequent to the offender’s arrest and conviction, incest victims may be placed in out-of-home care and cut off from family members and friends. Their sense of isolation may increase. Victims may want the abuse to stop, but may not want to be separated from the offender or family members.
- Disruption in Intimate Relationships
  - Victims often experience inhibition, repulsion, and flashbacks when they are physically or sexually touched, following a sexual assault. Some victims respond to the trauma with self-destructive sexual behavior or behavior which reflects a lack of boundaries, as they have learned that their own boundaries can be violated.

## Interviewing Collateral Sources

Through the process of reviewing records and reports, and by conducting interviews with the offender and victim, the agent should identify collateral sources that can provide additional information about the case. Interviews with a number of individuals may be necessary.

Collateral sources may include:

- Investigating officer(s)
- Medical staff
- Victims advocate
- Victim witness coordinator
- Treatment providers for both victim and offender
- Employers
- Prior agent
- Current partner
- Partners from previous relationships
- Family members
- Roommates/household members.

Interviews with professional staff, such as the investigating officer, medical personnel, victim advocate, treatment providers, etc., are conducted for the following reasons:

- To obtain detailed information about the offense and the impact on the victim without requiring the victim to repeat highly sensitive, painful details;
- To corroborate information contained in the criminal complaint, police reports, medical reports, etc., and compare this information with both the offender and victim versions of the offense;
- To assess the impact of the crime on the victim and victim's family;
- To obtain information about the offense and the offender's attitude, which reveal areas and the level of the offender's denial or minimization; and
- To establish contacts with professionals who may become part of the supervision network to assist in monitoring/modifying offender behavior, if the offender is placed on probation.

Interviews with collateral sources, such as spouses, partners, spouses/partners from previous relationships, family members, etc., are conducted for the following reasons:

- To obtain or corroborate personal/social history information about the offender and the offender's family;
- To determine the impact of the offense on the offender's family and household;
- To determine family and household members' level of awareness related to the offender's conviction;
- To obtain information regarding possible unreported offenses, other victims, or past history of sexually deviant and assaultive behavior;
- To obtain information about the offender's sexual habits, including current sexual activity with spouse/partner, use of the Internet, sex shops, pornography, 900 telephone lines, prostitutes, and association with other sexually deviant partners or companions;
- To assess the level of family and household members' support for the offender in holding the offender accountable or supporting denial or minimization of the offense; and
- To assess household members' ability to protect potential victims in the home.

Interviews with family members and others close to the offender are extremely important when conducting investigations of sex offenses. These individuals can provide information about the offender's history and daily habits that the offender may omit or fail to report. The agent should be aware that secrecy and denial are not uncommon within the offender's family or household. In conducting interviews, the agent should be careful not to blame family members for the offender's behavior. In cases of sexual abuse to children within the family, rarely does the partner of the offender know about the abuse.

However, a partner's involvement or reaction to the abuse may exist at any of the following levels:

- Did not know and supports the child;
- Did not know and denies the offense occurred;
- Did not know and supports the offender rather than the child;
- Knew, but did not stop the abuse; and
- Knew and sets up or participates in the abuse.

The dynamics within the household of the sex offender are frequently complicated. To obtain the most complete and accurate information from all perspectives, it will be necessary to interview as many family members as possible.

### **PSI Format, Present Offense**

This section summarizes information obtained from documents related to the offense. A detailed account of the sexual assault is necessary to provide an accurate description of the severity of the injuries, level of violence, and potential for sadistic behavior. Time frames and the length of the assault(s) should be reported. The number of repeated assaults, as well as the number and sex of victims, should also be reported.

#### **Offender's Version**

This section summarizes the offender's description of the offense and should provide the reader with a sense of the offender's level of denial, perception of the victim, and justification for the behavior. If the offender communicates openly, the method used to access the victim and the fantasy and arousal pattern that led to the victimization may be revealed. Offenders will often describe the offense as an isolated incident that will never happen again, a "set-up" by the victim or the victim's family, or a misunderstanding. Using a non-threatening approach, the agent should challenge these explanations by reviewing details of the victim statement and other source documents with the offender.

The following information, as described by the offender, should be included in this summary:

- Detailed description of the offense;
- Motivation for committing the offense;
- Terms of plea agreement, if applicable;
- Circumstances preceding the offense;
  - Emotional factors
  - Use of pornography, "cruising," isolating victim
  - Substance abuse before, during, or after the offense
  - Thoughts and fantasies before, during, or after the offense
  - Level of arousal
  - Offender's relationship to the victim
  - Previous inappropriate sexual activity with the victim

- Past or ongoing inappropriate sexual activities with others
  - Offender’s thoughts, feelings, and fantasies regarding the offense
  - Conviction
  - Victim
- Rehabilitative actions by offender since arrest; and
  - Participation in therapy or support group.

### **Co-Defendant’s Statement**

If the offense included more than one perpetrator, this section summarizes each co-defendant’s description of the offense.

### **Victim’s Statement**

This section summarizes the victim’s description of the offense and its impact on the victim and the victim’s family. This section should also include the victim’s recommendations and comments relative to sentencing and conditions of supervision.

Information provided by the victim can be valuable in assessing offender risk and can provide insight into the offender’s deviant arousal patterns and behaviors.

In some cases, the victim may choose not to be interviewed or involved in the process. The agent should respect the victim’s decision and should not:

- Focus on the victim’s refusal or lack of response;
- Detail the agent’s many fruitless attempts to locate the victim; or
- Describe the victim as uncooperative or irresponsible.

Rather than emphasizing the above, the agent should briefly summarize actions taken to contact the victim and the results of such contacts, without adding negative comments or attempting to interpret the reasons for the victim’s refusal.

If the victim is not available or does not want to be interviewed, the agent should review investigator and police reports, including any available victim statements, victim medical reports, and any information from other collateral sources. This might include family members, victim and witness coordinators, sexual assault treatment providers, etc. Details are extremely important; over-summarization should be avoided.

This information should then be summarized or quoted, as appropriate, to prepare a description of:

- What happened to the victim;
- The victim’s statements, both at the time of and subsequent to the offense; and
- The effects and impact of the offense on the victim.

**Victim's Statement Guidelines**

- Date of birth;
- Appearance (e.g., minor female who looks “tomboyish;” victims who look younger than their age; lack of secondary sex characteristics, etc.);
- Gender;
- Describe the offense from the victim's perspective;
  - Victim's confirmation of details included in police reports
  - Clarification of discrepancies between victim and offender accounts of the offense
  - Nature of offender relationship with victim
  - Previous sexual activity between victim and offender
  - Offender strategies to access victim
- Describe effects of the offense on the victim:
  - Physical trauma;
    - Injury
    - Sexually transmitted diseases
    - Pregnancy
  - Emotional trauma;
    - Depression/anxiety/anger
    - Disruption in sleep patterns
    - Changes in daily routines
  - Mental health problems;
    - Social life
    - Marriage
    - Family
    - Other companions/relationships
    - Work/school performance
  - Financial;
    - Medical/treatment costs
    - Lost wages
- Victim comments/recommendations for sentencing;
- Victim comments/recommendations for conditions of supervision;
  - No contact provisions
  - Family reintegration, if applicable.

## **Offender's Prior Record**

### **Juvenile/Adult Record**

This section is to provide a list of the offender's previous arrest and conviction record that also describes the nature of all prior offenses. Offenses such as burglary or disorderly conduct sometimes involve behaviors that are sexually motivated. Records of arrests and convictions from other states or countries may be difficult to obtain, but are significant to assess the risk to recidivate.

### **Pending Charges**

Include information on all pending criminal matters (i.e., warrants, probation/parole revocations, detainers).

### **Correctional Experience**

This section should include a description of the offender's prior correctional experience related to the following:

- Incarcerations
- Commitments
- Probation
- Parole
- Extended supervision
- Formal or informal dispositions of arrests
- Diversionary programs
- Military dispositions.

The offender's adjustment to the above should be described, including detailed information related to any sexually motivated misconduct or violations.

Offender comments about details of past correctional experiences should be included. These comments may be indicative of the offender's attitude, probable success, and amenability to treatment.

### **Offender's Explanation of Record**

This section is to include an explanation of the criminal record from the offender's perspective. The offender is offered the opportunity to:

- Provide a description of the factors contributing to past criminal behavior;
- Correct what is perceived to be inaccurate;
- Explain motivation for behaviors; and
- Describe any extenuating circumstances related to the criminal history. Offender comments that demonstrate the offender's level of denial or justification for the behavior should be noted.

## Family Background

### *Identifying Information*

This section is to include complete and accurate data relative to the offender's parents, siblings, stepsiblings, and other members of the extended family, as relevant. In some families, incest and inappropriate sexual behavior occur as patterns of behavior over generations. Data on family members may reveal important information about past abuse within the family and about individuals who served as role models relative to gender and sexual behavior. Information about significant family members may include such data as age, relationship to offender, significance of relationship, past convictions, sexual problems, etc.

### *Stability and Values*

This section is to include information about patterns of behaviors within the family that may have influenced the early development of the offender. A description of family values relative to gender roles, sex education, methods for demonstrating affection, etc., may be included. Alcoholism, emotional or physical abuse, criminal behavior, or patterns of incest and sexually deviant behavior within the family history should be noted.

### *Family Attitudes*

This section is to include a description of the family's attitude and perceptions about the offender. Family relationships may be complicated. For this reason, obtaining information from the varying perspectives of several family members is recommended—including family members no longer in contact with the offender. Family reaction and support to the offender is a critical factor. The family may serve as a powerful force for positive change by acknowledging the offense and confronting the offender about behaviors. Conversely, the family may be a hindrance, by supporting or participating in the offender's denial of the offense. For offenses occurring within the family or household, this section should include information that demonstrates the family's potential for protecting possible victims within the household.

This section should focus on the following information:

- General family viewpoint of the offender;
- Perception of overall adjustment;
- View of strengths and weaknesses;
- Unusual problems with aggression;
- Patterns of social isolation;
- Patterns of adjustment to parental and other authority;
- Family knowledge/perception of sexual development;
- Sex play with siblings or neighbors;
- Actual incidents or suspicion of abuse;
  - By the offender
  - To the offender
- Sex education;

- Dating patterns as adolescent; and
- Perception of sexual deviancy.

### **Personal History**

#### ***Academic, Vocational Skills***

This section is to include a description of the offender's educational and vocational experience and adjustment. A Confidential Information Release Authorization signed by the offender will be necessary to obtain school records. The purpose of the request should be noted on the form. School transcripts typically include dates enrolled, classes, grades, and attendance. Any disciplinary actions, behavioral problems, or failure to complete should be noted. School records, including information that may indicate special problems or possible sexual deviancy, should be investigated. Follow-up contacts or interviews with school personnel may be necessary.

#### ***Employment***

This section is to include a summary of the offender's employment history, including the type of work, dates, reasons for changes, and geographic area. All employment data should be verified through collateral sources. Past or present employment that provides access to victims should be noted. Information that demonstrates a connection between the offender's choice of employment and deviant sexual behavior can support agent recommendations to the court or rules regarding restrictions for employment. For example, a pedophile should be restricted from such employment as an arcade, or as a teacher or youth counselor.

Contacts with past employers to verify basic data, information about the nature of employment, and the offender's reasons for leaving may also reveal information relevant to the sexual deviancy. Any such information should be included in this section.

The agent should also be alert to the offender who overwhelms himself with pressures of work without appropriate or sufficient relaxation outlets. In some instances, the anxiety and pressures of overwork serve as a trigger for deviant sexual behaviors.

#### ***Financial Management***

This section is to provide a summary of the offender's financial status and ability to manage money. This information can be used to evaluate the offender's ability to pay restitution. Information relative to the offender's assets and spending patterns may also provide insight into the nature of the offender's sexual deviance. A complete and accurate list of offender assets should be included. For sex offenders, information on all vehicles and the location of all properties is critical. These types of assets may be potential sites for further offenses.

Information on the offender's spending habits/patterns also should be included. Patterns and habits, such as the following may be significant:

- Civil judgments;
- Compulsive spending;
- Gambling;

- Severe debt; and/or
- Purchase of merchandise or services related to sexual deviance, such as child-oriented items, or 900 or 976 telephone services.

### ***Marital, Alternative Family Relationships***

This section is to provide a description of all marital and/or long-term relationships included in the offender's history.

The summary should begin with the most recent marriage/relationship, followed by information on previous relationships presented in reverse chronology. Each topic should include information from the perspective of the offender, as well as the partner.

An accurate account of the offender's current and past relationships is extremely important in sex offender cases. A thorough investigation of these relationships may reveal patterns of sexual deviance and assault. It is not uncommon for offenders to enter relationships with passive or vulnerable partners to gain access to children. Any such patterns should be noted.

The impact of the conviction and sexually deviant behavior on the relationship(s) of the offender are significant. The reaction or perception the offender's partner is a critical factor in assessing the partner's ability to protect potential victims within the household or family. Family or household members can be a powerful force for holding the offender accountable and supporting treatment and a relapse prevention plan. On the other hand, those close to the offender can also serve as a negative force, by supporting the offender's denial or blaming the victim.

### ***Companions***

This section is to include a description of the offender's interaction/relationships with friends and associates. Many sex offenders are social isolates and/or are inadequate in social relationships. As offenders become engrossed in the compulsive aspects of deviant behavior, they separate themselves from others. They may compensate feelings of inadequacy by seeking companions significantly younger or older. They may seek companions who reinforce their interest in pornography or their cognitive distortions about women and children. For this reason, the agent should research the criminal background of companions and report all convictions. Convictions and incidents that are sexually motivated should be reported in detail.

### ***Emotional Health***

This section is to include information relative to the offender's past and current emotional health. A Confidential Information Release Authorization signed by the offender will be necessary to obtain these types of reports. Offender experiences in treatment related to sexual problems and dysfunction should be noted and progress and outcomes reported. Data should be reported fully and accurately. Summarizing psychological or psychiatric records creates the opportunity to omit significant details and information.

If available, results of a recent clinical assessment should be included. Any diagnosis of mental illness listed in AXIS I or II of the Diagnostic and Statistical Manual of Mental Disorders (DSM), current edition, should also be reported. Information relative to diagnoses of this type is critical

to the evaluation process. Consultation with the author of the evaluation may be helpful in reviewing information contained in clinical assessments and reports.

### ***Physical Health***

This section is to include a description of the offender's past and current medical history. The offender's current medical condition and any physical conditions/limitations should be summarized. Any diagnosed physical conditions that would impede or affect sexual performance should be noted. Any history of sexually transmitted diseases should also be reported.

Sex offenders sometimes use medical conditions to justify behavior or elicit sympathy. The offender may claim that prescribed medication(s) caused the deviant behavior or may argue that the medication will interfere with treatment. Elderly or disabled offenders may attempt to use physical limitations as a rationale for denying the offense or to elicit sympathy.

If applicable, information on the offender's health insurance should also be reported.

### ***Mental Ability***

This section is to include a description of the offender's ability to function independently in society. Any developmental disabilities, involvement in sheltered workshops, or use of Social Security disability should be noted. Direct observations and other information relative to the offender's ability to comprehend verbal or written communication should be summarized.

### ***Chemical Usage***

This section is to describe the offender's history of alcohol and/or drug usage, including past or current treatment experiences. In addition to reviewing written reports, the agent should consider interviewing treatment providers, either in person or by telephone. A DOC-1163 Confidential Information Release Authorization signed by the offender will be necessary to obtain these types of reports. A personal contact with the provider offers an opportunity to obtain detailed information that may not be included in written treatment summaries.

The extent to which alcohol or drug usage served as a contributing factor in the offense is to be described in this section. In some cases, the offender may use alcohol or drugs to access the victim. Methods used by the offender should be described in detail. For some offenders, chemical usage serves as a contributing factor in the offender's pattern of sexually deviant behavior. The use of alcohol or drugs may reduce social inhibitions or may serve to justify the pursuit of age inappropriate, unwilling, or non-consenting sexual partners. If substance abuse is an issue for the offender, periods of relapse may indicate a high risk to reoffend and should be considered when making a sentencing recommendation.

Other offenders may use chemical abuse as an excuse for the offense. Minimization based on the use of alcohol or drugs is a form of denial. It is not uncommon for an offender to fail to accept responsibility for behavior, using alcohol or drugs as a rationalization. The offender may make statements such as "I blacked out," "It just happened," or "I don't remember doing anything. I was drunk."

While direct confrontation is not recommended during this investigatory process, the agent may gently challenge such statements to assess the level of minimization and denial. Information included in this section of the report may serve as the basis for agent impressions and recommendations relative to risk level and amenability or need for treatment. If alcohol and drug problems are indicated, an AODA assessment should be included as part of the sentencing recommendation.

### ***Sexual Behavior***

In completing a PSI for a sex offense, information relative to the offender's sexual history is often scattered throughout the report and may be included in sections such as Offender's Version, Victim Statement, Family Background, and Martial/Alternate Family Relationships.

The Sexual Behavior section of the report should include a summary of the offender's sexual development presented primarily from the offender's point of view. Most information included in this section is obtained through interviews with the offender. At this stage of the process, many offenders are in denial at some level. Therefore, initial sex history information is often incomplete or unreliable. Information that is contradictory to information provided by collaterals should be noted. Information provided during this investigation will serve as a baseline as the offender begins sex offender treatment, either in the institution or on supervision. The agent's primary role is to record this information and highlight any discrepancies. The agent should not use this information to interpret behavior or formulate a diagnosis. Diagnosis, evaluation of this data, and recommendations for treatment are the responsibility of treatment providers with specialized training and expertise in this area.

### **Strategies to Obtain Offender Information**

- Respond to offender disclosure in a positive nonjudgmental manner without exhibiting shock or surprise.
- Acknowledge the difficulty inherent to discussions of personal, intimate behaviors.
- Explain the importance of acknowledging offense, accepting responsibility, and disclosing problematic behaviors, fantasies, and arousal patterns.
- Explain the potential for negative consequences resulting from continued denial and minimization.

Use of the DOC-1867 during the PSI or intake process provides a baseline for obtaining sex history information. It is recommended that during the PSI, responses to the questionnaire should be recorded in black ink. Midway through treatment, the questionnaire should be administered a second time, with responses recorded in blue ink. On completion of treatment, the questionnaire should be administered a third time, with responses recorded in red ink. This process provides a means to assess the offender's progress and willingness to disclose past offenses and behaviors throughout supervision and treatment.

**Military**

This section is to provide a summary of the offender's overall adjustment and conduct while in the military. Topics to be included in the summary are:

- AWOL or court martial information;
- Type of discharge;
- Length of time in the military; and
- Locations/residences during military service.

Unusual discharges or patterns of moving within the military may provide insight into the offender's pattern of sexually deviant behavior. Obtaining military information can be difficult and records may not arrive in time to be included in the PSI; however, this information may be useful if the offender is placed on probation or released to extended supervision.

**Religion**

This section of the PSI format should provide a description of the offender's religious background and beliefs as specifically applicable to the offense. This section of the PSI format must not be completed unless religion is specifically related to the offense. In *Dawson v. Delaware*, 112 S.Ct. 1093, 1097-98 (1992) the Supreme Court held that while evidence of First Amendment protected beliefs (such as religion) are not per se barred from consideration at sentencing, the evidence about such beliefs must be relevant to the crime for which the defendant is being sentenced. See also *State v. Marsh*, 177 Wis.2d 643 (Ct.App.1993), cert. den'd 510 N.W.2d 137 (1993).

Sex offenders and family members often report religious information during interviews conducted as part of the PSI investigation. Information may be relevant to offender's version, offender's explanation of record, stability, values, or family attitudes and should be inserted as applicable in those sections. Clearly, the agent must be very careful in deciding if and how to use information about the offender's religious beliefs. A mistake could result in a sentence being overturned.

**Leisure Activities**

This section is to provide a description of the offender's leisure time interests, activities, and hobbies. Behavior patterns that may be noteworthy include:

- Large blocks of time alone that may be used for "cruising" or indulging in deviant fantasies;
- Hobbies or volunteer activities that provide access to potential victims;
- Use of computer with Internet access; and
- Lack of sufficient leisure time to provide adequate tension relief and relaxation.

For sex offenders, leisure activities that may support sexually deviant behavior include:

- Use of a computer with Internet access;
- Access to pornographic web sites or chat rooms of a sexual nature;
- Membership in on-line organizations;

- Photography/Video;
- Subjects photographed or taped support sexual fantasies;
- Activity that provides access to potential victims;
- Volunteer work in child oriented organizations;
- Big Brothers/Big Sisters, Boy Scouts/Girl Scouts, Church Youth Groups, school volunteer, etc.;
- If the offender is involved in such activities, a representative from the organization should be contacted and interviewed regarding the offender’s activity and behavior.
- Activities where children congregate;
- Parks, playgrounds, swimming pools, beaches, theaters, malls, video arcades, school athletic games, fairs, etc.;
- Sexually oriented memberships;
  - Organizations that approve of sex between adults and children
  - North American Man Boy Love Association (NAMBLA)
  - Nudist Clubs
- Sex Rings or Swinging Clubs; and
- Lack of leisure time activities.

### ***Residential History***

This section is to provide a chronological listing of locations where the offender has established residence. Residential instability, unexplained changes in residence, or selection of residence close to schools or playgrounds are noteworthy and may warrant further investigation. Contacts with local police departments may reveal complaints from neighbors about the offender being inappropriately friendly to children. Contact with the local Clerk of Courts can provide a record of evictions. Contacts with former landlords can establish the reason for evictions or unexplained moves. Information of this nature should also be included in this section.

For sex offenders, the following patterns may be related to the offender’s sexual deviance:

- Frequent changes in residence;
- Unexplained lapses in time between reported residences;
- Vague reasons, such as “had to move” to explain changes in residence; and
- Location of residences near schools, parks, or other areas where children congregate.

### **Summary and Conclusions**

The Summary and Conclusions section of the PSI report is to provide a summary and analysis of information gathered during the investigation. Agent impressions, conclusions, and recommendations must be supported by data, facts, and statements presented earlier in the body of the report. If the STATIC-99 and RRASOR were used during the PSI process, the factors used to calculate scores should be documented in this section of the document without providing the actual numerical scores.

**Agent Assessment and Impressions**

This section is to include a brief summary of facts and factors related to the offense and the offender. The summary is to include the following elements:

- Summary and highlights of pertinent information;
- Summary of contradictory information between the victim's statement and the offender's statement, as well as between the offender's statements to the police and to the agent;
- Aggravating and mitigating factors of the offense;
- Summary of offender's strengths and weaknesses as related to risk for re-offense;
- Factors which demonstrate offender's motivation to reduce potential for re-offending;
- Factors demonstrating need/amenability for treatment; and
- Factors contributing to offender risk within the community.

**Restitution**

This section includes a summary of factors relevant to determination and orders for payment of restitution. Restitution may be ordered for losses sustained by the victim as a result of the crime.

Compensatory losses may include:

- Property;
- Medical costs, including prescription medication;
- Lost wages; and
- Counseling and/or therapy for the victim.

Since therapy is usually ongoing for a sexual assault victim, restitution determination can be more complicated than for victims of other types of crimes. Additional restitution may be ordered for ongoing medical care or counseling, as needed. It may be necessary to obtain a release for financial information (cost of therapy) from the therapist. The agent may request that restitution determination is left "open" until the victim completes treatment.

**Crime Victim's Compensation Fee (Act 27 of 1984)**

If the current conviction stems from crime(s) committed between June 30, 1984, and December 28, 2000, the fee is \$30. If the current conviction stems from crime(s) committed between December 29, 2000 and August 26, 2002, the fee is \$40. If the current conviction stems from crime(s) committed on or after August 27, 2002, the fee is \$60. These fees are paid to the counties and are equally divided between the Crime Victim's Compensation Board and the Bureau of Victim's Services at the Pennsylvania Commission on Crime and Delinquency.

**Agent's Recommendation**

This section is to provide the agent's recommendations for sentencing. In Pennsylvania, agent/probation/parole officer recommendations are a matter of decision for individual counties.

In cases where the agent or officer makes sentencing recommendations, factors to be considered in developing and supporting a sentencing recommendation include:

- Seriousness of the criminal behavior;
- Severity of physical and emotional harm to the victim and family;
- Extent of involvement in deviant behavior as indicated by previous convictions and adjudications;
- History of sexual problems related to:
  - Marriages/significant relationships
  - Employment
  - Leisure time activities
  - Military
  - Residence changes
  - Evidence of other paraphiliasMultiple paraphilias; and
- Attitude toward offense and sexual problems.

The following eight factors cannot be reliably measured, may be self-serving responses by the offender, and are not necessarily correlated with the risk to recidivate. They may measure or reflect the potential for success of supervision and treatment. The investigator or agent should provide a description or example of the information recorded for each factor.

- Level of denial/minimization;
- Level of disclosure related to arousal patterns and fantasy;
- Willingness to accept responsibility;
- Attitude toward victim;
- Willingness to pay restitution;
- Level of remorse;
- Amenability to treatment;
- Motivation to reduce potential for re-offense;
- Victim/family input relative to sentence;
- Treatment information;
- Summary of evaluations; and
- Summary of treatment to date, if applicable.

### **Prison vs. Probation—Factors to Consider**

Factors listed below should be carefully considered and may support a recommendation for imprisonment:

- Total denial of offense;
- Not amenable to treatment;
- Offender denies the offense and does not accept responsibility for the offense;

- Offender does not acknowledge that the offending behavior had harmful consequences for the victim;
- Offender does not identify the behavior as a problem and does not express a desire to change;
- Offender refuses to participate in specialized treatment to address deviant behavior;
- Severity of harm to the victim;
- Physical and emotional trauma to the victim;
- Weapons were used;
- Use of force;
- High risk to reoffend (best recorded from the use of an actuarial tool, such as the STATIC-99 or RRASOR);
- Prior sexually related offenses;
- Multiple paraphilias;
- No empathy for the victim (callousness);
- Blames others for offender's consequences;
- History of aggression toward others;
- Progression of violence in crimes; and
- Deviant sexual arousal patterns.

If, after considering the factors listed above, the agent determines that the offender can be effectively supervised within the community, a recommendation for probation should be considered. In most sex offense cases, a period of county jail time as a condition of probation should also be recommended.

In cases where risk to the victim, family members, or other potential victims is an issue, recommendations for no-contact provisions should be included in the court order. In cases of interfamilial abuse or deviant behavior with a child, removal of the offender from the home should also be recommended. The recommendation should include the stipulation that return to the home will require approval of the agent. Decisions related to family reunification should be made in conjunction with treatment providers serving the offender, the victim, and the victim's family.

Criteria to be considered in determining recommendations for no-contact/offender removal from home are:

- Offender denies/minimizes;
- Significant partner denies/minimizes;
- Offender is not in treatment;
- Significant partner is not in treatment;
- Victim is not in treatment;
- There is an offender history of deviance;
- Offender is not honest with the agent;

- The family is not honest with the agent;
- The family is uncooperative with authorities;
- The family supports denial; and
- Family members have a criminal history.

### **Conditions of Probation or Parole**

Other factors of the offender's life that contribute to risk or require offender compliance should be identified. The agent should develop recommendations to address these issues as conditions of probation or parole. Conditions of extended supervision should be stated in general terms that can be applied broadly and within reasonable, flexible time frames.

A list of conditions that may be considered includes:

- No-contact provisions;
- Driver's license suspension;
- Compliance with sex offender registration program;
- HIV/STD testing with release of results to victim/victim's family;
- DNA testing;
- Sex offender evaluation (if not already completed);
- Successful completion of sex offender treatment;
- AODA assessment and comply with all recommendations;
- Other counseling the agent deems appropriate;
- Individual sex offender treatment in addition to group treatment, family therapy, etc.;
- Face-to-face contact with law enforcement;
- No possession of pornography;
- No alcohol or drug use;
- Relevant employment restrictions;
  - Interstate truck drivers, school bus drivers, nursing home workers, etc. (Depending on the crime, the supervising authority may restrict the types of employment that may be inappropriate for an offender. Pornographers/drug traffickers cannot be interstate truck drivers; pedophiles cannot be school bus drivers; rapists cannot have access to defenseless patients, etc.)
  - Restrictions on leisure time activities;
  - Beaches, parks
- Restrictions on volunteer work;
  - Girl/Boy Scouts, church youth groups, Humane Society;
- Restrictions on computer equipment and Internet access;
- Restrictions on photography or video equipment;

- Restrictions on residences;
  - No residence within a certain number of blocks of a school/daycare, etc. (Some municipalities/townships have enacted their own restrictions)
- Other conditions the agent deems appropriate, given the offense and the offender's pattern of behaviors.

### **Anticipated Supervision Plan and Release Planning**

A PSI can generate an anticipated release plan, and minimally serves as the foundation for the plan of release. This plan should include types of programming that will be required and time frames for the start of programming. It is recommended that specific facilities or programs are not designated by name. The following are elements for inclusion in an Anticipated Supervision Plan.

- If the court places \_\_\_\_\_ on probation with the above listed conditions, the Probation Department intends to implement the Anticipated Supervision Plan.
- The offender must submit a DNA sample within \_\_\_\_ days.
- The offender must complete the Sex Offender Registry within \_\_\_\_ days.
- Based on risk assessment, the offender will be initially supervised at a high-risk level.
- The offender must continue in and successfully complete sex offender treatment.
- The offender must obtain full-time permanent employment within \_\_\_\_ days.
- The offender must make monthly payments based on budget and income for restitution, court obligations, and supervision fees.
- The offender may not have any contact with the victim or the victim's family members.
- The offender is responsible for full payment of the victim's counseling fees.

## Appendix 8-A: PSI, Relationship History Outline

### Overview: Offender's significant relationships throughout life

- Chronology – duration
- Current address and phone of each
- Children resulting from each
- DOB of each
- Summary of each circumstances
- Current relationship
- Support obligations
- Frequency of contact
- Any physical/sexual abuse
- Assessment of each relationship
- Reason for entering
- Reason for separations
- Reason for ending relationship or divorce
- Roles in relationship
- Who made what decisions
- Offender pattern of handling responsibilities
- Who was more dominant or passive
- Periods of counseling
- Dates
- Number of sessions
- Therapist name
- Outcomes

### Sexual Issues: Assessment of sexual relations in each significant relationship

- Frequency
- Who initiates
- Communications about sex
- Dissatisfaction
- Problems
- Infidelity of either partner
- Sexual practices
- Partner behavior toward sex crime(s)
- Aware of offenses – past/present?

- How and when discovered
- Partner reaction to offender
- Partner reaction to victim
- Partner analysis of causes

**Intra-Family Victim**

- Offender relationship to victim
- Favoritism
- Possessiveness
- Offender relationship to other children

**Partner Issues**

- Partner support of offender's denial
- Partner belief of victim
- Partner ability to be honest with agent
- Partner ability to protect family members
- Partner ability to support intra-family victims in treatment
- Partner participation in treatment
- Partner support for offender in treatment

While investigating the offender's relationship with significant partners, the agent should assess the appropriateness of residency with the partner. If the offender maintains contact with children from previous marriages or relationships, the agent should address the nature, frequency, and circumstances of these contacts. It may be necessary to regulate and monitor contacts to ensure protection of the children.

## Appendix 8-B: PSI, Sexual History Outline

### Data

- Source of sexual information
- First sexual experience
- Age
- Circumstances
- With others?
- Age and sex of partner(s)
- Pattern of sexual behavior
- Masturbation patterns
- Fantasies
- Orientation
- Gender
- Partner age and characteristics
- Partner role: active/passive
- Use of pornography
- Length of time with partners
- Infidelity with partners
- Pattern of casual sex practices
- Victim(s) of a sexual assault? (explain each)
- Number of sexual partners
- Prostitution: bought or sold sex?
- Frequency of sexual activity
- Preferred/disliked sexual behaviors
- Birth control used
- History of sexually transmitted diseases

### Perceptions

- Doubts about sexuality
- Sexual orientation
- Attraction to men/women
- Attraction to children
- Performance problems
- Pre-mature ejaculation
- Impotence
- Partner unresponsiveness

- Perception of own sexual development
- Satisfied/dissatisfied
- Enjoy sex
- Ability to discuss sexual issues
- Beliefs
- What is right/wrong sexually
- Shame
- Guilt feelings
- How justify criminal behavior
- Ideal sexual relationship
- Any other concerns about sexuality

## **Appendix 8-C: PSI, Sexual History and Behaviors Questionnaire**

### **Childhood**

- What were your parents attitudes about:
  - Sexuality?
  - Nudity?
  - Displays of affection?
- How did you learn about the following sexual topics:
  - Menstruation?
  - Nocturnal Emissions?
  - Erections?
  - Intercourse?
  - Other?
- What were your parents' reactions when you asked questions about your body and/or sexual issues?
- Did brothers, sisters, cousins, or other relatives provide you with sexual information?
- What types of sexual games did you play as a child (ages, circumstances)?
- Did anyone find out about the games? If so, what happened?
- How old were you when you first saw someone engaging in some sort of sexual activity (i.e. exposure, masturbation, intercourse, etc.)
- When did you first see animals engaged in sexual activity and/or giving birth?
- At what age did you first experience pleasurable feelings in your pelvic area?
  - What were the circumstances?
  - What was your reaction?
- Describe childhood experiences when you experimented sexually in the presence of another person (include ages, genders, activities, etc.)

### **Adolescence Age 12-18**

- At what age do you recall first experimenting with masturbation or any kind of activity that produced a pleasurable sexual feeling?
  - How often did you pursue the activity?
  - Fantasies and thoughts during activity?
  - Did you fear being caught?
  - Feelings of guilt or shame?
  - What were your parents' attitudes about masturbation, sex roles, premarital sex?
- When and how did you learn "where babies came from" and what was your reaction?
- At what age did you first experience sexual orgasm?
  - Describe the circumstances and your reaction.

- Describe your friendships and social acquaintances during junior high school and high school:
- When and how did you “put the whole picture together” in regard to male/female reproductive organs, female reproductive cycles, erections, intercourse, conception and birth?
- What were your common dating activities when you were in
  - Junior high school?
  - High school?
- At what age did you begin to
  - Date?
  - Go steady?
  - Make out?
  - Touch someone’s genitals/breasts?
  - Have intercourse?
- Describe your first sexual attraction to someone of the opposite sex (description, ages, circumstances):
- Describe your first sexual attraction to someone of the same sex (description, ages, circumstances):
- Describe your first experience with intimate sexual activity (oral sex, anal sex, intercourse) and subsequent frequency:
- Describe your means and responsibilities for contraception as an adolescent:
- Under what circumstances did intercourse usually occur during your adolescent years?
- Were you ever caught, punished or ridiculed?
- As a teenager, what forms of sexual activity did you engage in with members of your immediate or extended family?

**Young Adult (before marriage/significant other cohabitation)**

- Describe your dating experiences during this period of your life.
- Describe sexual encounters (frequency and type).
- What was your living situation as a young adult?
- Describe relationships as a young adult (social, romantic, sexual)
  - Quantity
  - Quality
  - Age and genders
- What changes in sexual interests occurred as a young adult regarding
  - Opposite sex relationships?
  - Same sex relationships?
  - Attitudes, behaviors, attractions?
- As a young adult, how did you obtain sexual information?

**Marriage/Significant Other Cohabitation**

- Describe circumstances and chronology of first meeting and how relationship evolved (dating through commitment). If applicable, are those attributes still present? If not, what has changed?
- What were your expectations regarding sex, lovemaking, intercourse, prior to marriage/cohabitation?
- Were those expectations fulfilled (describe)?
- Describe setting and circumstances of your wedding/decision to live together.
- Describe first two weeks including any sexual difficulties.
- Frequency of intercourse after
  - First month to a year?
  - First year to five years?
  - Current?
- Did you enjoy the above-described levels of frequency, or would you have preferred lesser or greater frequency?
- Did you and your partner have similar or different sexual appetites?

**Current Sexual Behavior**

- If applicable, what is the usual incidence of
  - Intercourse with your mate?
  - Other intimate sexual behavior (frequency and type)?
  - Number of sexual partners?
  - Opposite sex partners (number)?
  - Same sex partners (number)?
- How often do you masturbate?
- Describe times when you have abstained from sexual activity, including masturbation.
- During what periods of your life have you found yourself engaging in masturbatory activities less or more frequently (describe circumstances)?
- Are you now or have you ever been concerned about your sex drive?
- What do you think/fantasize about when masturbating?
- What sexual activities do you find mildly or strongly distasteful?
- Describe physical and emotional attributes of partners you find most sexually appealing (age, appearance, emotional characteristics, etc.).
- Describe occasions when you observed someone else being sexually abused/assaulted.
- Describe occasions when you observed someone having sexual contact with an animal.
- Describe occasions when you have had sexual contact with animals.

- Have you ever purchased, stolen, or otherwise acquired women's under garments?
  - If so, what did you do with the under garments (masturbate into them, wear them, etc.)
- Describe occasions when you have purposely touched another person's body when they were not aware of what you were doing?
- What type of physical touching do you find you simply cannot tolerate?
- Are you satisfied with your physical appearance?
- Are you satisfied with your sexual performance? If not, describe?
- Are you comfortable with the physical appearance of your genitals? If not, describe.

## Appendix 8-D: PSI, Alternative Interview Schedule

Victim's Name:

Gender:

Address:

DOB:

Phone:

### Description of Offense

- Victim's description of offense
- Points of clarification/contradiction when compared to offender's version
- Extent of previous activity with victim
- Offender's strategies/methods to access victim according to victim

### Impact on the Victim

- Physical trauma/injury
- Sexually transmitted disease
- Pregnancy
- Emotional trauma (i.e., depression, anxiety, anger, sleep disruption, change in daily routines, mental health problems, school performance)
- Social life
- Marriage
- Family (parents, children, siblings, extended relatives)
- Other relationships (companions, friends, coworkers, classmates, general relationships with opposite sex)

### Work/School: Performance

#### Financial

- Medical costs
- Lost wages
- Treatment costs

**Victim Medical/Psychological Treatment**

- Treatment for Victim
  - Physician/Therapist’s Name
  - Frequency of Visits
- Treatment for Parents (in intra-family cases)
  - Physician/Therapist’s Name
  - Frequency of Visits
- Treatment for Family Members
  - Physician/Therapist’s Name
  - Frequency of Visits

**Sentencing Considerations**

- Victim Recommendations
  - Incarceration
  - Conditions of Supervision
  - Restitution
  - Contact Restrictions

## **Appendix 8-E: PSI, Family Attitude and Assessment of the Offender**

### **Mother, Father, Siblings, Extended Family**

- Describe your relationship with the offender.
  - What were your feelings toward the offender before the offense?
  - What are your feelings now?
- Describe the offender's overall adjustment.
- Describe the offender's strengths.
- Describe any problems with aggression.
- Describe any patterns of social isolation.
- Describe patterns of adjustment to parental or other authority.
- Describe patterns of sexual deviancy or other behavioral problems.

## CHAPTER 9 — SOAB PROCESS

## Overview

The Pennsylvania Sexual Offenders Assessment Board (SOAB) is an independent body of experts created by the Pennsylvania General Assembly in 1996 to assess convicted sex offenders for establishing the designation of sexually violent predator. Subsequent action by the legislature expanded responsibilities of the SOAB to include conducting assessments for the Pennsylvania Board of Probation and Parole, as well as the juvenile court system (Act 21 of 2003). Over the years, SOAB has become recognized as a source of expertise in the field of sexual deviance.

## Introduction

The assessment and management of sex offenders begins at the time of conviction and continues throughout the offender's lifetime. Effective sex offender assessment and management involves a high level of collaboration among several agencies, including: the Pennsylvania Department of Corrections (DOC); the Pennsylvania Board of Probation and Parole (PBPP); the Sexual Offenders Assessment Board (SOAB); county probation and parole departments; community corrections agencies; the court; treatment providers; victim services organizations; and the community at large. An extensive investigation is required to conduct an adequate sex offender assessment on which all major management decisions can be made. This chapter describes the primary responsibilities of the SOAB, details the specialized investigation process employed by the SOAB, and the assessment that is conducted. The SOAB investigation is not intended to be a substitute for a pre-sentence investigation (PSI).

## SOAB Process in Review

The goal of the sexual offender investigation is to build the foundation on which a sound assessment is produced. The investigation is the construction of the history of an offender's life and covers all domains likely to yield information consistent with the referral question at hand. In the case of Pennsylvania's Megan's Law, the investigation includes the search for information relevant to the diagnosis of personality disorders and/or mental abnormalities as they relate to committing sexually violent offenses. The SOAB member uses the investigation as the foundation for his/her opinion.

A sex offender investigation is a structured pursuit of information. This information is compiled and a written report is prepared. This investigation is used by a member of the SOAB to prepare a report for the court, the PBPP, or the juvenile court that addresses the unique circumstances of three distinct populations.

- Investigations are prepared for *Adult Court Ordered* assessments to inform the SOAB member's determination of whether the subject meets the criteria for Sexually Violent Predator (SVP).
- Investigations are prepared for the *PBPP* to inform the SOAB member's report about factors related to static and dynamic risk, risk factors unique to the subject, as well as treatment and management concerns specific to that individual.

- Investigations are prepared for *juvenile court*, under Act 21 of 2003, for an assessment to inform the SOAB determination of whether the subject fits the criteria for *Involuntary Civil Commitment*.
- While the focus of this manual is on adult offenders, it should be noted that Act 21 (42 Pa.C.S. §6401-6409) allows court-ordered involuntary treatment of certain sexually violent persons who have been adjudicated as juveniles. Act 21 mandates that a person who is committed to an adolescent treatment facility for sex crimes and is about to reach the age of 20, must be identified and referred to the SOAB for evaluation to determine if the person has “serious difficulty in controlling sexually violent behavior.” If the SOAB determines the person meets the criteria for dangerousness defined in Act 21, and the court determines that a civil commitment is warranted, the person can be committed to the Sexual Responsibility and Treatment Program (SR&TP) operated by the PA Department of Public Welfare, Office of Mental Health and Substance Abuse Services (DPW, OMHSAS).
- The SR&TP is a secure treatment environment that utilizes cognitive-behavioral and sex-offense specific interventions. In conjunction with other concurrent mental health therapies, treatment is individualized and designed to assist in the development of the necessary skills and coping strategies to manage and control deviant thinking and behavior, while minimizing the risk of recidivism.
- The reader can go to: <http://www.legis.state.pa.us/WU01/LI/LI/CL/ACT/20030.HTM> for greater information on Act 21 of 2003. Before examining the SOAB process in greater detail, it will be helpful to first review the history, law, and process that brought this specific investigation into being.

## History of the Law

### Federal Acts

The genesis of many states’ laws concerning the registration and community notification of sex offenders can be found in the language of three federal acts. They are named after victims of violent/sexual assaults: Jacob Wetterling, Pam Lynchner, and Megan Kanka.

It is important to note that on July 20, 2006, Congress passed the “Adam Walsh Child Protection and Safety Act of 2006.” This new federal legislation changes current law by, among other things, no longer mandating states to determine which sex offenders are sexually violent predators (SVPs). Instead, the federal mandate imposes on certain sex offenders many of the same requirements (e.g., lifetime registration, community notification) that currently apply to SVPs, based purely on conviction. Pennsylvania will need to make significant amendments to its Megan’s Law statute and classify sex offenders into three tiers, based on the sex crimes for which they have been convicted.

Until the General Assembly amends Commonwealth law to comply with these new federal mandates, the current assessment and registration processes will remain place.

### **Pennsylvania's Law**

Pennsylvania sought to address the issue of registration and community notification in the 1995 Special Session on Crime. During this session, legislation was introduced that would: *identify* those sexually violent offenders who are truly predators and allow the sentencing court to impose a life sentence on those offenders; *register* both sex offenders and sexually violent predators with the Pennsylvania State Police; and *notify* the communities when those persons identified as sexually violent predators move into their neighborhood.

- On October 21, 1995, Governor Ridge signed into law Act 24 of 1995, which became effective on April 21, 1996. Act 46 of 1996 amended Act 24 of 1995 and became effective on May 22, 1996.
- In a decision filed October 6, 1998 in the Superior Court of Pennsylvania, *Appellee v. Edward James Hayle*, the Superior Court found portions of "Megan's Law" to be unconstitutional.
- On June 30, 1999, the Pennsylvania Supreme Court in *Commonwealth v. Williams* struck down all relevant provisions of the Act relating to sexually violent predators, with one dissenting opinion. In a second ruling also released on June 30, the Pennsylvania Supreme Court, in *Commonwealth v. Gaffney*, unanimously upheld the Pennsylvania Superior Court's ruling that the registration portion of the Act was constitutional.
- The Pennsylvania Legislature unanimously reenacted Megan's Law and on May 10, 2000, and the Governor signed into law Act 18 of 2000. Pursuant to statute, the law became effective July 8, 2000.
- Act 113 of 2000 amended Act 18 of 2000 by adding a new offense—sexual exploitation of children. Pursuant to statute, this amendment became effective February 18, 2001.

### **Pennsylvania Sexual Offenders Assessment Board**

The Pennsylvania Sexual Offenders Assessment Board (SOAB) is an independent body of experts created by the legislature in 1996 to assess convicted sex offenders for establishing the designation of sexually violent predator. Subsequent action by the legislature expanded responsibilities of the SOAB to include: conducting assessments for the Pennsylvania Board of Probation and Parole, as well as the juvenile court system (Act 21 of 2003). Over the years, the SOAB has become recognized as a source of expertise in the field of sexual deviance.

By law, the Sexual Offenders Assessment Board is composed of psychiatrists, psychologists, and criminal justice personnel—all experts in the assessment and treatment of sexual offenders. Board members must have expert knowledge in the field of sexual deviance; their expertise must be reflected in their training, education, and experience or some combination thereof (See Appendix A). In this case, a "sex offender expert" is someone with specialized knowledge beyond that possessed by a layperson (see PA.R.E.702). The Board conducts an ongoing review of the current scientific literature, has its work reviewed by a staff psychologist, and meets quarterly for training with national and international experts.

The Governor appoints board members to four-year terms. They may not be full-time Commonwealth employees. The Board is housed under the PBPP for support services. The

independence of the Board is noteworthy. The Board prepares a report and testifies to its expert opinion. The Board member is not the witness for the prosecutor; rather, he/she is the court's witness. The Board member is not an employee of the PBPP or the Commonwealth for that matter; he/she is an independent expert who prepares an objective opinion for the court and the PBPP.

The following support the Board: a staff of investigators; a staff psychologist; support staff; and the executive director, who acts as the administrator for the Board. All staff is trained in the investigation, assessment, treatment, and management of sex offenders. There is no limit to the number of persons who may be appointed to the Board.

The Pennsylvania Sexual Offenders Assessment Board (SOAB) is specifically charged with the responsibility to conduct an assessment of the convicted sexual offender. Pennsylvania law also provides that the SOAB sets standards for said assessments (see Appendix A) and its members (see Appendix B). Also by statute, the SOAB has set standards for the programs that treat sexually violent predators (see Appendix C).

Before a court-ordered assessment can be completed, three criteria must be met:

- The court must issue an order requesting an assessment.
- The conviction must have occurred on or after July 8, 2000, pursuant to the effective date of Act 18 of 2000.
- The offender must be convicted of committing or attempting to commit any of the enumerated offenses as cited in the Crimes Code of Pennsylvania.

## **The Investigation and Assessment Process**

### **The Prosecutor (District Attorney)**

42 Pa.C.S. §9791, et seq. directs the SOAB to submit the court-ordered assessment to the prosecutor (district attorney) no later than 90 days from the date of conviction of the defendant.

On receipt of the assessment, the prosecutor decides if a hearing is to be held to determine status as a sexually violent predator. The Commonwealth must prove by clear and convincing evidence that the offender is a sexually violent predator. If the prosecutor chooses to pursue this classification, he/she shall file a *praecipe* to schedule a hearing. A copy of the *praecipe* is served on the defense counsel, together with a copy of the assessment. A copy of the assessment is also provided to the agency preparing the pre-sentence investigation.

### **Investigation**

Following a conviction but before sentencing, the court must order a person convicted of a sexually violent offense to undergo an assessment by the SOAB. Statute requires the court to provide the SOAB with an order to conduct an assessment no later than 10 days from the date of conviction. An investigator is assigned on receipt of the order by the SOAB. The investigator gathers all available and relevant information. 42 Pa. C.S. §9791, et seq. requires "all state, county, and local agencies, offices or entities in this Commonwealth, shall cooperate by providing copies of records and information as requested by the Board in connection with the court ordered assessment and the assessment requested by the Pennsylvania Board of

Probation and Parole." The type of information gathered includes: interview of offender (when participating); police reports; victim statements; prior criminal history; county and state probation/parole records; county and state prison treatment records; prior and contemporaneous pre-sentence investigations; children and youth records; CHILDLINE records; and other criminal/social service agency records.

All offenders are fully informed of the scope of the process, the right to have their attorney present, and the right to not participate in the interviews. They acknowledge their understanding of this process and rights by signing an Informed Consent Form. Offenders under assessment for the PBPP also acknowledge Informed Consent in a separate distinct form; offenders under Parole Assessment do not have the right to have counsel present. The third consent form is unique to Act 21 offenders; the offender has the same rights as under the court-ordered assessment.

The completed sex offender investigation is next forwarded to the assigned SOAB member.

### **Assessment**

Statute requires the Board member assigned to the "Megan's Law" case to form an opinion about whether the offender meets the criteria set forth for sexually violent predator (SVP). Statute defines a SVP as a person who has been convicted of a sexually violent offense, as set forth in section 9795.1 (relating to registration), and who is determined to be a sexually violent predator under section 9795.4 (relating to assessments), due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

The SOAB is further directed to consider, but is not limited to, the following criteria as part of the assessment:

- Facts of the current offense, including:
  - Whether the offense involved multiple victims;
  - Whether the offender exceeded the means necessary to achieve the offense;
  - The nature of the sexual contact with the victim;
  - Relationship of the offender to the victim.;
  - Age of the victim;
  - Whether the offense included a display of unusual cruelty by the offender during the commission of the crime; and
  - The mental capacity of the victim.
- Prior offense history, including:
  - The offender's prior criminal record, sexual offenses, and other offenses;
  - Whether the offender completed any prior sentences; and
  - Whether the offender participated in available programs for sexual offenders.
- Characteristics of the offender, including:
  - Age of the offender;

- Use of illegal drugs by the offender;
  - Any mental illness, mental disability, or mental abnormality; and
  - Behavioral characteristics that contribute to the offender's conduct.
- Factors that are supported in the sexual offender assessment field as criteria reasonably related to the risk of re-offense.

### **The Sentencing Court**

If the Commonwealth has met the burden of proof and the court finds the defendant to be a sexually violent predator, the individual will be sentenced in accordance with sentencing guidelines, including applicable three strikes penalties. The court will also advise the individual that he/she will be subject to:

- Community notification;
- Life-time registration;
- Quarterly verification of registration; and
- Lifetime counseling, approved by the SOAB (at a minimum of one session per month).

If the sentencing court determines the offender is not a SVP, the sentence will again be in accordance with sentencing guidelines. The court also will advise the offender of his/her requirement to register his/her address with the Pennsylvania State Police (PSP). Registration for sexual offenders, who are not repeating offenders or who have not committed any offense requiring lifetime registration, is for 10 years. There is *no* community notification.

The sentencing court is required to send notice of conviction to the SOAB, the individual, the district attorney, the PBPP, the DOC, and the PSP.

### **Reconsideration**

Federal regulations prohibit reconsideration of the sexually violent predator designation under circumstances other than a conviction that was subsequently vacated or a subsequent acquittal. Pennsylvania statute permits the offender to petition for re-assessment toward consideration of the requirement of community notification only. Application is permitted 20 years after release from incarceration. The SOAB will re-assess the offender; the burden of proof is on the SVP to show he/she no longer meets the criteria for community notification.

### **The Investigation**

This section describes the investigation process necessary to complete an adequate assessment of sexual offenders as required by Pennsylvania statute. The level of detail provided here is necessary to understand both the complexity of the SOAB investigation and the areas of concern in the pre-sentence examination of any sex offender. The information in this section will “guide” the reader through the investigation process that is expected to ensure a consistent approach to information gathered throughout the Commonwealth. While investigators come to their work from a variety of backgrounds and experiences, it is not uncommon for them to be unfamiliar with structured information-gathering procedures. This particular structured approach will help investigators gather sufficient information to address all relevant sex offender

assessment concerns, including the level of risk posed by the offender (as measured by sex-offender specific tools), and factors that argue for the existence (or absence of) a personality disorder, mental abnormality and predatory behavior. The SOAB investigation also permits the completion of most all sex offender specific assessment tools, such as the STATIC-99, RRASOR, MnSOST-R, and Psychopathy Checklist–Revised (PCL-R), and SORAG.

### **Interviewing and Investigating**

An interview format is provided to investigators to present consistent, accurate and pertinent information about the subject. The offender interview, while helpful, is not necessary to assess the referral question in Pennsylvania law. An assessment can be completed without an interview (although it will always be offered). The SOAB investigation will obtain information necessary to complete and score relevant sex-offender specific instruments, if they are required for additional referral questions (see Appendices D, E, and F for samples of relevant sex offender-specific tools).

The interview process employed by the SOAB investigator is consistent with structured process recommended by the PCL-R and the Violence Risk Appraisal Guide (VRAG). The structured interview helps to ensure that each investigator is pursuing the same information. In the event the subject does not interview with the investigator, the structured interview format is used to gain the same information through collateral sources.

In part, the interview seeks information the SOAB can use to determine if there is a personality disorder or mental abnormality. During the interview, the investigator gathers information that spans the subject's lifetime and the various domains in his/her life (childhood, employment, relationships, etc). (See Appendix G for relevant sections of the Diagnostic and Statistics Manual).

There are several key issues to keep in mind before beginning an interview:

- The investigator must attempt to contact defense counsel and secure his/her consent before interviewing the subject. Counsel is given an opportunity to be present for all SOAB court-related interviews. If defense counsel fails to respond to SOAB inquiries, the offender will be directly offered an interview advised of his/her rights; his/her decision to participate or not participate will be honored.
- The investigator should secure the signature of the subject on the Informed Consent before conducting the interview (see Appendix H). If the subject refuses to sign the Informed Consent Form, the investigator should not attempt to proceed with an interview. Wherever possible, the investigator should secure the signature of local staff, acknowledging the offender has been offered Informed Consent, but has refused to sign the Consent form.
- The art of interviewing a sex offender not only requires recording the affirmative response to the interview question, but also should always include a detailed recounting of the offender's responses. Recording direct quotes from the offender can be difficult; the investigator should be very careful to accurately record such quotes. Open-ended questions should be asked wherever possible, as it permits extended conversation. The purpose of the investigation and interview is to get information, not shut down communication (see Appendix I).

In addition to learning details of the offender's education, psychiatric history, family history, and other topics commonly part of a PSI, the sex offender investigator should always attempt to learn details of the sexual offending history. In reviewing the instant offense, for example, the investigator should try to learn the following:

- When did the behavior start?
- What was the subject's age at the time of the offense?
- What took place first? Next? Next? Last?
  - How long did it continue?
- How did the behavior stop?
- Why did it stop?

Many of the questions in the structured interview format are prompts. If the offender answers a question sufficiently, the investigator does not have to ask follow-up questions. What is sufficient? The goal of the interview is to gather all the information necessary to understand the offender's deviance and his/her pathway to offending. Know that the offender will commonly try to protect this vital information and to deny their offenses.

While it is investigator's job is to probe the offender's defenses in gathering the details of the sexual offending behaviors, it is not his/her job to break through the denial. Breaking through denial is a function of treatment, not a function of the investigation interview. The investigation interview is not an interrogation.

Prior to conducting an interview, the investigator should review all available information related to the offense and the offender. The interview is then conducted to obtain the following:

- Information about the offender, including criminal, social, and sexual history;
- The offender's version of the offense;
- Information necessary to address all criteria and factors under Pennsylvania's statute;
- Information necessary to assess factors relevant to the risk and management needs of the offender (PBPP cases); and
- Information necessary to assess the offender's understanding of the impact of the offense on the victim, the family, and the community.

It is assumed that the SOAB investigator will have a working knowledge and level of comfort discussing various aspects of sexual behavior. In addition, the investigator must be able to define and interpret terms for offenders in a manner that accommodates their level of comprehension.

Information should be gathered from as many sources as possible. These sources are referred to as *primary and secondary collateral sources*. This alleviates the need to depend on the offender as the sole source of information. The offender is commonly deceptive, or at the very least, will provide a self-serving version of his/her life. The investigator should review the information from other sources before attempting to interview the offender (wherever possible) to ensure that specific areas of questioning are dealt with completely and in an informed manner. The sex offender is very aware of gaps in the interviewer's knowledge and will use the gaps to continue his/her deception.

The following agencies/documents are routine sources of information in the investigation:

- Index Offense police records – prosecuting district attorney;
- Records of arrests and convictions (NCIC), police;
- County agencies, such as Adult & Juvenile probation/parole, Children & Youth, Clerk of Courts (for conviction histories), Prothonotary (custody, divorce, civil judgments and Protection from Abuse Orders);
- Prison, schools, and employers are also avenues for information; and
- Family members should be requested to provide information by telephone or personal interview, if the telephone is not possible.

Attribute statements to the source so the validity of information can be determined. For example, if the offender says during the interview that he/she never had any problems as a child, present the information as being reported by him/her. Too often, misinformation in written reports is assumed to be fact; offender self-report should not be considered factual.

As previously stated, the structured format should be used as a guide to pursue other information. For example, refer to the questions in the relevant section when interviewing an employer. This helps to either validate the information provided or develop information that is lacking.

The SOAB investigation and assessment does not replace the pre-sentence investigation. Repetitive interviewing provides for discovery of consistencies or inconsistencies in the offender's version of his/her offending. Note also that offenders do not always participate in the SOAB interview process; the PSI interview may be the only post-conviction, pre-sentence interview with the sex offender. Remember also that offenders are at various stages of denial when coming into contact with the criminal justice system. Multiple interviews provide for greater information disclosure over time. Sex offender management is a collaborative process and as such, the agency preparing the PSI and the SOAB should share information gathered.

### **Report Writing**

Once the investigation and offender interview is completed, the investigator is expected to compile all the information into an investigation report for the SOAB member's review. A structured report format is provided (see Appendix J) and is discussed below.

The report is divided into categories with headings to unify all the information relevant to that area and to help the reader easily find a particular area of interest.

Style is important. Avoid bulleted list forms (in most instances), because they tend to be more difficult to convey the full meaning of the data/information. Bulleted lists are appropriate to use when listing negative responses to questioned behavior. Note negative responses, as well as positive responses, so the reader knows the question was asked. Slang words should be avoided in a formal report, unless there is a need to specifically quote the offender or a significant informant. Be objective: the purpose of the investigation is to present the information as clearly and factually as possible for the SOAB member's review and analysis.

When reporting on certain behaviors, it is advisable to give the age of onset, frequency, and severity of the action. This assists the reader in evaluating the seriousness of that particular

behavior. Knowing the history of masturbation, for example, may contribute significantly to the understanding of an offender's deviance. When reporting age, always state as "age at last birthday" for consistency.

## **Report Format**

### ***Face Sheet***

The face sheet is designed to provide quick access to key identifiers and demographic details, such as:

- The offender's full name and age;
- Referring county;
- Prosecuting/defense attorneys;
- Offenses charged;
- Offenses convicted;
- Victim's name/age/gender; and
- Offender/victim relationship.

### ***Current Offense Information***

This section discusses the subject's account of the offense or offenses for which he/she has been charged and convicted. Start with a description of the circumstances preceding the offense. How did the subject meet the victim? What non-sexual things did they do? How often did they do things together before any sexual behavior? Follow the offense history of the structured interview very closely for this section. Be sure to include dates, ages, locations, time of day, etc.

Do not spend excessive time attempting to get the subject to admit the offense. This can have the adverse effect of helping the subject sharpen his/her denial strategy. What is most helpful is determining how he/she knew the victim, what he/she did with the victim in a non-offending way; what was going on in the subject's life preceding and during his/her offending, and has he/she been in this type of circumstance before?

### ***DOC/Prison Adjustment (if applicable)***

This section attempts to look at what, if any, sex offender specific treatment the subject is enrolled, and/or his/her history of treatment participation in the institution. Non-sexual behavior reports are also significant in addressing antisocial tendencies or other areas of similar concern. The offender's treatment "success" will be measured, in part, through his/her ability to identify a relapse plan. The investigator should explore this area via the Relapse Interview (Appendix K). Investigators will also contact relevant prison personnel to more fully understand the offender's prison experience.

### ***Family History***

This section should describe each member of the offender's immediate family, beginning with parents and followed by siblings in order of birth. If he/she was separated from either of his

biological parents, state the circumstances, such as divorce, death, incarceration, and dates. Include the same information about the replacement caregiver if a significant amount of involvement occurred. When only temporary or short involvement has occurred, it is sufficient only to identify the individual or agency. In either case, briefly give the details of the situation that led to his/her involvement with the offender.

If significant psychiatric, medical, or criminal problems have occurred with other family members beyond the immediate family, record them briefly here also. An applicable family member is someone who is biologically related or had some significant amount of contact with the offender. Be careful to specify the biological relationship of the family member to the offender.

#### **Father**

Give full name, current age, occupational summary, history of criminal charges and convictions, drug or alcohol use, psychiatric problems, and mental health contacts, such as hospitalized psychiatric admissions or counseling. Include in this description information about significant medical history, psychiatric diagnosis, epilepsy, retardation, suicide, and attempted suicide. Finish the summary with a brief description of his/her current functioning, with an emphasis on his/her present relationship with the offender.

#### **Mother**

Record the same type of information as for the father.

#### **Siblings**

Record the same type of information as above.

#### **Childhood**

This section examines the offender's childhood background, relationship with his/her family, and social adjustment up to approximately 18 years of age. When noting various aspects of abnormal behavior, recording the age of onset, frequency, and seriousness are as important as the characteristics of said behavior. Questions concerning childhood, drug and alcohol use, criminality, sexuality, and schooling can be detailed specifically in other sections.

#### **Education**

Questions in this section should be directed at behavior and adjustment in the educational system, as well as discussing academic ability and achievements. Extra-curricular activities are also of interest, particularly if the subject did any tutoring, assisting vulnerable populations, etc. Early activities may reflect onset of deviance.

#### **Employment**

Questions should refer to the offender's degree of functioning within an occupational setting, as well as type and length of employment. Does the type of job enable access to victims? Be certain to discuss the type of work done. For example, if he/she worked at Sears, did they stock shelves after business hours or work in the children's clothing department?

***Medical***

This section should include a short general description of the offender's overall health throughout his/her lifetime. Discuss any physical handicaps or disabilities, or past major illnesses, or surgeries. Also, inquire about physical trauma (e.g., a head injury as a result of a car accident). Questions should apply to both childhood and adulthood.

***Psychiatric***

In this section, discuss the offender's formal contacts with professionals in mental health care, and report psychiatric problems that have interfered with his/her life functioning. If he/she has been in treatment, have him/her sign a release to obtain this information. Health Insurance Portability and Accountability Act regulations might require using the treatment provider's specific release form.

***Substance Use***

This section examines the frequency and severity of the offender's alcohol and drug use (including inhalants, such as glue and gas) over his/her lifetime, as well as his/her intake at the time of the current or past offenses. It is important to explore the level of social interference, as well as the pathological indicators of any substance abuse. Explore the relationship of any drugs to his/her offending behavior. Did he/she use substances to lower his/her inhibitions or the victim's?

***Adult Environment***

This area of questioning should indicate the extent of the offender's social functioning as an adult. Occupational, substance use, criminal, and psychiatric variables have already been dealt with more fully in previous sections. This section, therefore, should focus on the quality of general interpersonal relationships and finances. Further questioning regarding his/her interests, religious practices, leisure activities, and responsibilities completes the offender's general level of functioning and interests as they relate to offending behavior.

***Relationship/Children History***

This section more closely examines his/her live-in or marital relationships. If there were none, look at the length and frequency of dating relationships. Does the offender tend to have many relationships over short periods of time, or fewer, longer-term relationships? How did they meet their partner and what is the length of the relationship? Were any children brought into the relationship? How were decisions made? What is the level of sexual satisfaction in the relationship? During this section of the interview, get contact information from the subject about various partners. Contact the partners and examine all of the same questions from their perspectives. If there is information that indicates the offender is single, and/or has never been married, specify if he/she has ever lived with a lover for at least two continuous years. Record this information carefully. An offender who is married for 10 years, but has been incarcerated for nine of those years, is not the same as one who has lived in the marital relationship for two continuous years. Accurate information is necessary for scoring the STATIC-99 (see Appendix F, STATIC-99 Coding Rules).

***Sexual History***

This section explores the sexual development, knowledge and experiences of the subject from childhood, continuing through puberty, and until the present. The deviant sexual behavior section gets very specific. Be certain to note the age of onset and frequency of behaviors. Some lower functioning subjects are not familiar with clinical terms, such as masturbation; the investigator must be able to readily ask the question in a manner the subject can understand.

***Criminal History***

In this section, it is important to get as much information as possible from other sources, such as reports from police, probation/parole, family members, and clerk of courts office. Record the charges, dates, and disposition of each offense for juvenile and adult criminal offenses. A disposition is the result of formal charges. It could be a conviction with possible incarceration, a withdrawal, or a dismissal. Offender self-reporting of criminal history is not acceptable (see STATIC-99 Coding Rules).

Remember that once a charge results in a conviction, it should be clearly noted that the conviction resulted from the earlier charges, even if the offenses named are somewhat different, due to plea bargaining, etc. Also, it is important to note that receiving a suspended sentence or probation are all forms of sentencing resulting from a conviction. Listing previous charges and convictions functions as evidence of frequency, severity, and versatility of prior criminal involvement.

As noted earlier, charges can change from the time they are originally filed and ultimately disposed. For example, indecent assault might be disposed of as a simple assault. Whenever the offense suggests a possible sexual overtone and/or is assaultive, get as much information that describes the behavior as possible. In most cases, this will be in the police report. For burglaries or other offenses that could be related to a sexual behavior, review the probable cause statement to determine if additional information is necessary. For example, burglary can occur at an unoccupied business or a residential home. If it is the former, noting that fact and offense date/disposition would be sufficient; if it is latter, the entire police report should be pursued. Offenses such as retail theft may reveal paraphilic interests. What the offender steals may reveal a pathological interest and as such, will be an issue of concern for treatment. Offenders with multiple paraphilias present greater risk of recidivism than single interest offenders.

It is important to discuss the subject's criminal history with him/her, even for cases that were dismissed or reduced. There are a variety of reasons why charges change. The subject might discuss his/her behavior, even if the case was as severe as a dismissed rape charge. Get the subject's statements and let the SOAB member decide how to use the information. Wherever possible, describe the circumstances of previous offenses that are similar to the offense that resulted in the offender's present institutionalization.

***Interviewer's Impressions***

The investigator can record how the subject presents him/herself during the interview. The investigator is encouraged to present observations in an objective manner. For example: if the subject cries when describing what he/she did to the victim state, "The subject wept and sobbed

loudly when describing the offense,” rather than, “The subject feigned tears when...” The former describes what was observed rather than places a subjective motive on the behavior.

Note specific behaviors observed during the interview, such as the level of eye contact the offender made, posture and movements, facial expressions of emotions, and voice expressions—both in volume and tone. Impressions of behaviors can be recorded as they occur in individual sections of the report, rather than solely at the end, as the subject’s presentation can change throughout the interview. Expressions of emotion by the subject may be genuine or contrived to impress the investigator. Impression management is a common human behavior.

## **Collateral Contacts**

### **Primary Collaterals**

#### **RAP sheet**

The RAP sheet provides a history of arrests both within and outside of Pennsylvania. Experience suggests that information regarding dispositions is not reliable on the RAP sheet and should be secured through the appropriate court office instead. Accompanying the RAP sheet will be the phone numbers of the “Origin,” or ORI. ORIs identify the agency that entered the information. They will be in the best position to provide information or get what is needed. This is especially true when tracking down out-of-state information or in-state police departments.

#### **J-NET**

The justice network is an additional source to access a variety of criminal justice entities. Remember to look beyond the instant sex offenses, searching the entire history for offenses that may have been sexual in nature.

#### **District Attorney’s Office**

The DA/ADA is never listed as a collateral contact, although the office of the district attorney is a primary source of information, such as:

- Index Offense(s)—District attorneys have the police reports and other related documents of the index sex offense, as well as contact information for others that might be involved in the case. The prosecutor’s files are rich sources of information.
- Prior Offense(s)—District attorneys may have retained the records of prior offenses of interest. Some offices destroy their records at some point after an appeal time expired. Others keep them archived. If they do not have the records needed, look to the clerk of courts, appropriate police department, or probation/parole.

Every district attorney’s office may refer to information/documents differently. Copies of the following documents should be included as part of the investigator’s report to the SOAB:

- Complaint and Probable Cause Statement;
- Narrative police report (this is usually many pages long and describes in detail the investigation. It includes victim/witness statements); and

- Preliminary hearing/trial transcripts.

### **Clerk of Courts**

Retain all official court records. These include the Complaint and Probable Cause Statement and sentencing information. Occasionally a PSI, psychological report, or even bail information may be available. The clerk of courts, in some cases, may be the only source of information about a case.

### **Probation/Parole Departments (Adult/Juvenile/State)**

These departments are charged with supervising the subject serving probation or parole. They oversee the subject's conduct and monitor the subject's compliance with court conditions. Through their record keeping, they might provide collateral contact information for parents, siblings, or intimate relationships. Field notes and interviewing a supervising officer provides information on the subject's behavior and presentation while under supervision. They prepare pre-sentence reports and compile social histories. Current law requires that all state, county and local agencies provide the SOAB information/copies of files.

### **Prothonotary**

This department is the keeper of civil records. Protection From Abuse (PFA) orders, divorces, custody, and civil judgments are recorded and retained in this office. Civil judgments can be indicative of a parasitic lifestyle. PFAs are helpful in revealing the behavior of the subject, as well as providing the name and possible contact information for an intimate partner. If the intimate partner's contact information is not known, the attorney that represented the victim might be able to assist. PFAs are generally comprised of a petition that describes the behavior warranting the PFA, a temporary order, and a final order. Divorce and custody records can yield helpful information in terms of constructing a relationship history and contact information for collateral interviews. If locating the divorced spouse is difficult, attorneys might be able to provide contact information.

### **CHILDLINE**

This is the central repository for Children & Youth cases that are either founded or indicated. That means at some level, a determination was made (not necessarily by a court) that the alleged abuse occurred. CHILDLINE checks its records for the SOAB in every case referred. They provide a data sheet that indicates the county of origin, and the child's and perpetrator's demographics at the time the report was created.

### **Children & Youth**

This agency is charged with investigating cases of physical, sexual, and emotional abuse that meet certain criteria (where the perpetrator/abuser is a household member or care provider). Upon receiving a report, they will attempt to interview the child, perpetrator, and others to determine if the child is in need of their service. They might be involved in the index case, a prior case, or provide services to the subject when he/she was a child.

**Domestic Relations**

This office is responsible for maintaining child support information. Domestic Relations might provide the number of children a person is paying support for, and whether or not he/she is current with payments. A subject's payment history (if he/she is in arrears) can also be found by contacting your local state domestic relations office.

Additional collateral contacts can be generated from Domestic Relations records. Investigating the information available via the website is an acceptable examination of this office. If the investigator believes more information might be available, they should discuss this with their supervisor.

**Police**

The investigating officer should be contacted, as needed, to clarify any questionable areas of the police report. He/she might also be helpful in finding contact information for people of interest to the investigator.

**Secondary Collaterals**

There are a number of collateral interviews or documents the investigator might pursue after analyzing what information is known or unknown. For example, what evidence exists that a personality disorder or mental abnormality is present? What is known about this subject's offending pattern? Pursuing this type of collateral information will vary, depending on how this question is answered.

Where the investigator determines, for example, that the offender has adult victims, has no prior record, and has not engaged in sadistic offending behavior, the investigator will understand he/she is most likely pursuing something other than a mental abnormality, such as pedophilia.

The information to be gathered from collateral sources is the same information to be gathered from the subject in the structured interview. Gathering multiple sources of information for the same topic areas is relevant to establishing the level of pervasiveness required in diagnosing personality disorder.

Secondary collateral sources of information can include the following:

**School**

School records generally provide only grades and attendance; this is especially true the older the subject is. Records might also reveal if the subject moved from school to school. If the subject is being interviewed, the investigator should ask the subject to sign a release of information. Not all schools are comfortable providing the SOAB records without a release of information.

**Employer**

This information may help to determine if the subject is seeking to use his/her employment to further any sex offending behavior. The offender's behavior at work may be indicative of a personality disorder, as well.

**Parents/Sibling/Children\***

They can provide missing historical information, particularly when the subject does not participate in an interview. Again, use the structured interview as a guide.

**Current or Past Intimate Partner(s)\***

They can speak to the sexual interest and practices of the subject, supply employment history, etc.

**Victim (current, past, present)\***

Investigators should consult with their supervisors about whether to interview the victim, especially if the victim is a child. The majority of helpful information is already documented in the police reports. There could be value in talking to a past victim, if the available recorded information is lacking in detail. The potential gain must be weighed against the impact this could have on that victim.

\*Always advise collateral sources that their participation is voluntary, and that if they talk with SOAB, what they share will go into a report. Further, they may have to testify to that information in court. The SOAB does not promote the practice of victim interviews and does not go forward with victim interviews without the involvement and consultation of the local victim advocate.

**The Assessment**

The assessments prepared by the SOAB are specific to the referral question(s) in statute and for the parole release consideration requirements of the PBPP. The assessment begins after the investigation is completed. The level of detail provided in the SOAB investigation permits examination of the referral questions. Ethically, the assessment will not exceed the referral question.

The assessment prepared under 42 Pa. C.S. § 9795.1 is completed to answer the question, “Does this offender meet the criteria for sexually violent predator” under Pennsylvania law? A SVP in Pennsylvania is someone likely to engage in predatory sexual violence, due to a personality disorder or mental abnormality. The SOAB is further directed to consider an additional list of factors to complete the assessment including:

- Facts of the current offense;
  - Whether the offense involved multiple victims
  - Whether the offender exceeded the means necessary to achieve the offense
  - The nature of the sexual contact with the victim
  - Relationship of the offender to the victim
  - Age of the victim
  - Whether the offense included a display of unusual cruelty by the offender during the commission of the crime
  - The mental capacity of the victim
- Prior offense history;

- Offender’s prior criminal record, sexual offenses, as well as other offenses
- Whether the offender completed any prior sentences
- Whether the offender participated in available programs for sex offenders
- Characteristics of the offender;
  - Age of the offender
  - Use of illegal drugs by the offender
  - Any mental illness, mental disability, or mental abnormality
  - Behavioral characteristics that contribute to the offender’s conduct
- Factors that are supported in the sexual offender assessment field as criteria reasonably related to the risk of re-offense.

### **Test/No Test**

The SOAB supports the use of mechanical prediction, or actuarial tools when addressing the specific probability or risk of sexual re-offending. Actuarial prediction is superior to unguided/unstructured clinical judgment. There is a third approach to risk evaluation that is plausible and supported in the research: the empirically guided/research guided approach. Here, the evaluator can give different weights to the different risk considerations, based on the individual case dynamics. As an overall predictor of sexual recidivism, the research-guided approach is less robust than actuarial prediction.

The referral question drives the method and testing for assessment. The SOAB follows the empirically guided/research guided approach in its forensic assessment of the “Megan’s Law” referral question, and uses the actuarial approach to address the risk assessment for the PBPP parole consideration assessments. There is no test that addresses the specific referral question under “Megan’s Law.” The empirically guided approach best allows the SOAB to address the two main prongs of the referral question, as well as to explore the pathway to offending revealed through the additional statutory factors.

The “Megan’s Law” assessment is a forensic assessment. The tests and methods used by the SOAB must pass the Frye Standard<sup>4</sup>, calling for only those tests and methods that are generally accepted in the relevant scientific field. The “Megan’s Law” assessment in Pennsylvania does not specifically address the treatment and management of the sex offender. The SOAB does not test or measure areas of concern related to treatment or management. The reader is informed of treatment and management needs through the recounting of the offense behavior, and the analysis of the statute’s criteria and factors. Direct evaluation of treatment and management needs exceeds the referral question.

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<sup>4</sup> The Frye Standard postulates: "Just when a scientific principle or discovery crosses the line between experimental and demonstrable stages is difficult to define. Somewhere in this twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from well recognized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs" The supporters of the Frye-standard point out to its reliability and uniformity of application. The critics argue that it is too imprecise.

The SOAB will only use the tools necessary and relevant to address the referral question. The first and primary tool of the SOAB assessment is the special investigation prepared by the SOAB investigator. It is of particular importance when assessing a sex offender to look for information beyond offender self report. The investigation provides a diverse and factual history of the offender's behavior across time and all life domains, and will provide information necessary to diagnose a personality disorder or mental abnormality required by the Megan's Law question. Board members are free to use a variety of psychological tests that inform the diagnosis of personality disorders or mental abnormalities, such as the paraphilias, although such testing is not necessary. The investigation provides sufficient historical information for identification of the relevant disorders and ruling out the more transient mood disorders. Most psychological tests rely on the self-report of the test-taker.

The Diagnostic and Statistical Manual, current edition (DSM) provides the structure to determine the presence or absence of the relevant personality disorders or mental abnormalities; the mental abnormality of psychopathy is determined through the use of the Psychopathy Checklist-Revised (PCL-R). The Board addresses the long-term risk associated with personality disorders and relevant mental abnormalities, and is not asked to determine a specific probability of the risk to re-offend. In addition, current actuarial tools do not address the genesis of the sexual offending behavior, as called for in the Pennsylvania "Megan's Law" referral question, and are not appropriate for use to answer the question at hand.

The totality of the offender's risk is significant, and is addressed under Factor 4 (Factors that are supported in the sexual offender assessment field as criteria reasonably related to the risk of re-offense). Here, the SOAB addresses the risk factors that correlate to the risk of sexual re-offending, and factors specific or unique to the individual being assessed. The reader is referred to the 1998 Meta-Analysis of Hanson and Bussiere, and the updated meta-analysis of Hanson and Morton-Bourgon (Predictors of Sexual Recidivism: An Updated Meta-Analysis, 2004-02, Public Works and Government Services of Canada) for a greater understanding of correlates to sexual re-offending. The reader is also referred to Appendix M for a chart displaying the top predictors of sex offense recidivism (significant at the .10 level or greater), and a chart showing factors that did not correlate/predict sexual recidivism.

Using the empirically guided/ research guided approach, the SOAB follows the structure of the enumerated factors in statute, examines the factors in their totality, and analyzes the individual offender's pathway to sexual offending. This determines if it is primarily an antisocial pathway or sexually deviant pathway. Both pathways are clearly established predictors of sexual recidivism.

The risk assessment for the pre-parole assessment for the PBPP includes the use of current relevant actuarial tools, including the STATIC-99, RRASOR, and MnSOST-R, and SORAG (Sex Offender Risk Appraisal Guide). The Board uses the PCL-R to address psychopathy. The Board anticipates the use of the Stable 2000 to address enduring dynamic risk factors. The SOAB closely monitors the continued development of sex offender assessment tools, and integrates the relevant tools as their validity and reliability is established.

There are a variety of tests and measures available for sexual offender assessment, many of which inform treatment. They are largely self-report instruments, with varying degrees of validity and reliability. The Board recommends use of only those tests relevant to the referral

question(s), and recommends an understanding of the issues of validity and reliability surrounding the tests.

## The Interview

In addition to the interview that may have been conducted by the investigator, the Board members offer an interview to the Megan's Law offender, providing the same informed consent given to him/her at the investigation stage of the process. Offenders may exercise their constitutional rights and decline to participate in an interview. The assessment continues and can be completed without an interview, providing there is sufficient information to address the clinical decision. Professional disciplines address the issue of evaluation without interview, for example, in Ethical Standard 7.02 in the APA's (1992) "Ethical Principles of Psychologists and Code of Conduct," incorporating the phrase, "including personal interview of the individual, when appropriate" and "when, despite reasonable efforts, such an examination is not feasible, psychologists clarify the impact."

There is at least some feeling in the field of sexual deviance that the clinical interview potentially serves to interfere with effective data collection. Doren sets forth this perspective when he writes, "...The interview is, at best, rather irrelevant (given that sufficient historical documentation exists for certain things such as scoring the Psychopathy Checklist-Revised (PCL-R), and at worst, the cause of decreased accuracy in our overall evaluation." Doren further cites the research of Grove, Zald, Lebow, Snitz, and Nelson, where he says their meta-analytic research evidence showed it might be more appropriate not to conduct a clinical interview as part of the assessment of risk. Their study showed that the clinical interview appeared to lessen the predictive accuracy of actuarial risk assessment. Interviews are always offered, and the offender's perspective is welcome. The interview, along with all other information, is weighed by the Board member as he/she considers the referral question and total assessment.

The SOAB Megan's Law assessment is considered to be an empirically guided assessment. The DSM provides structure for the clinical diagnosis, while the PCL-R addresses the mental abnormality of psychopathy. The SOAB follows the empirical literature to address the additional factors required for consideration under statute. The SOAB uses actuarial tools in the risk assessment conducted for the PBPP.

## SOAB Process Glossary

**Board:** The Pennsylvania Sexual Offenders Assessment Board.

**Clinical Experience:** Those activities directly related to providing evaluation and/or treatment to individual sex offenders, e.g., face-to-face consultation or therapy, report writing, administering, scoring and interpreting of tests, providing training; participating on case management teams; and clinical supervising therapists treating sex offenders.

**Cognitive Behavioral Approach:** Cognitive behavioral approaches adhere to the premise that modification of cognitions and behaviors are necessary for more adaptive functioning. Cognitive behavioral approaches strive to identify, assess, develop, modify, and support cognitions and behaviors that reinforce adaptive functioning through the use of a variety of techniques.

**Cognitive Behavioral Distortions:** Cognitive distortions are thoughts and attitudes that allow offenders to minimize, justify, and rationalize their deviant behavior. Cognitive distortions allow the offender to overcome prohibitions and progress from fantasy to behavior. These distorted thoughts provide the offender with an excuse to engage in deviant sexual behavior, and serve to reduce guilt and responsibility.

**Mental Abnormality:** A congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

**Objective Assessment:** In this context, objective assessment refers to the professional use and interpretation of instruments designed to objectively measure or ascertain physiological variables relating to truthful disclosure of sexual interest and sexual arousal, including, but not limited to, the ABEL Sexual Interest Inventory and the plethysmograph.

**Plethysmography:** In the field of sex offender treatment, plethysmography means the use of an electronic device for determining and registering variations in penile tumescence associated with sexual arousal. Physiological changes associated with sexual arousal in women are also measured through the use of plethysmography. Plethysmography includes the interpretation of the data collected in this manner.

**Polygraph:** Polygraph examination means the employment of instrumentation used for the purpose of detecting deception or verifying truth of statements of a person under criminal justice supervision and/or treatment for the commission of sex offenses. A clinical polygraph examination is specifically intended to assist in the treatment and supervision of convicted sex offenders. Polygraphs include specific-issue, sexual history, and periodic monitoring examinations.

**Predatory:** An act directed at a stranger or at a person with whom a relationship has been established or promoted for the primary purpose of victimization.

**Sexually Violent Predator:** A person who has been convicted of a sexually violent offense as set forth in section 9795.1 (relating to registration) and who is determined to be a sexually

violent predator under section 9795.4 (relating to assessments) due to a mental abnormality or personality disorder that makes a person likely to engage in predatory sexually violent offenses.

**Supervision Team:** All those persons necessary to facilitate the safe management of the sexually violent predator in the community, including, but not limited to probation and parole, criminal justice agencies, judicial authorities, and correctional authorities.

## Appendix 9-A: SOAB Standards for Assessment

The Sexual Offenders Assessment Board sets the following as standards for the assessment of sex offenders as required by statute:

- The SOAB conducts an empirically based/guided forensic assessment.
- The court-ordered assessment calls requires the Board to address the referral question, “Does the offender have a personality disorder or mental abnormality that makes it likely he will engage in predatory sexual violence?”
- The SOAB does not use risk assessment instruments at this juncture, for court-ordered assessments, in that they do not fully address the referral question, and do not include the issue of personality disorder, or mental abnormality as a predisposing element.
- The SOAB will make use of such risk assessment instruments that are appropriate, in assessing sex offenders for the PBPP.
- The assessment shall answer the referral question, by exploring sexual deviance, established in personality disorder, mental abnormality, or other characterological basis, and manifested in deliberate, intentional acts of behavior, otherwise known as predatory.
- Should the Board member chose to use testing, for court-ordered assessments, said testing will be limited to standard intelligence tests, neuropsychological tests, or personality/mental abnormality tests, as well as objective tests that measure sexual interests.
- No SOAB member should make use of a test that he is not qualified to interpret or administer.
- Testing is not required to address the referral question established by statute.
- Personality disorder shall be established on the basis of the criteria set forth in the DSM-IV, TR, or subsequent revisions.
- Mental abnormality shall be established on the basis of the criteria set forth in the DSM-IV, TR, or by the criteria of the Hare PCL-R.
- Predatory behavior is established through an analysis of the offense behavior, the relationship of the offender to the victim, the sequence of behavior, and the relationship of the offense behaviors to those behaviors established in the field of sexual deviancy as being related to the risk to re-offend sexually.
- All SOAB members shall consider the criteria set forth in statute, including but not limited to such as age of offender, mental capacity of the victim, whether the offense involved multiple victims, for their relevance both to personality disorder/mental abnormality, as well as to predatory sexual behavior, as found in the empirical literature in the field of sexual deviance.
- The SOAB member shall offer the offender an interview, unless advised by defense counsel that the offender is declining an interview.
- No interview is necessary to address the referral question under statute.
- SOAB members shall always qualify the limitations of their assessment.
- All SOAB members shall prepare an impartial assessment, presenting accurate and objective data in support of their opinion.

- The SOAB members shall provide informed consent to the offender, as was provided by the SOAB investigator, fully explaining the scope of the assessment and the limits of confidentiality.
- The assessment shall be conducted using the materials of the investigation that may include such things as criminal history, child protective agency reports, probation and parole reports, records of the district attorney, clerk of court, prothonotary, domestic relations; medical records, mental health records, pre-sentence investigations; previous evaluations and treatment reports; police reports; and collateral interviews of relevant persons.
- SOAB members will carefully weigh the credibility and validity of each source of information in reaching his or her opinion.
- All information reviewed is weighed against all other information, as well as for bias, completeness, and consistency.
- It is preferential that the victim's account as provided to the police or in trial is considered sufficient, and that victims are not re-interviewed for the offender's assessment. Should the investigator or assessor wish to interview the victim, it is suggested that contact be made with a victim's services office, which can approach the victim for the SOAB.
- The assessment for the PBPP, as allowed by statute, does not call for the SOAB to determine if the offender meets the criteria for sexually violent predator. The assessment for the PBPP will address the offender's deviant sexual behavior, static and dynamic factors relevant to his sexual offending behavior, as well as factors related to his risk to re-offend sexually. Also of concern will be issues of sex offender management as well as sex offender treatment. The SOAB makes no recommendations for or against parole.
- Assessments on behalf of the PBPP may make use of additional tests or measures of sexual deviancy that relate to sex offender treatment issues, an area not concerned under statute for court-ordered assessments.
- The SOAB member shall submit the assessment to the SOAB staff for review for technical correctness only; the opinion formed is solely that of the SOAB member.

## Appendix 9-B: Standards for SOAB Members

The Sexual Offenders Assessment Board recognizes that work in the field of sexual deviancy requires a multidisciplinary approach, as well as the development of appropriate education, knowledge, skills, and experience specifically in the evaluation and treatment of sexual deviance. Requirements sited here are not meant to be substitutes for registration, licensing, or certification required by other disciplines.

- The SOAB member shall have an advanced degree in psychology, sociology, social work, criminology, counseling, psychiatry, human sexuality, or criminal justice from a fully accredited institution of higher education. If the applicant does not possess a degree in a discipline previously sited, he/she must demonstrate competence in the field of sexual deviancy and shall have worked under a qualified professional in the same field.
- The SOAB member shall have relevant work experience, beyond the academic degree.
- The SOAB member shall demonstrate competence through a minimum of 2000 hours of direct service with sex offenders, sex offender/sexual deviance research, education, supervision of staff working in the field of sexual deviance, or some combination thereof.
- The SOAB member shall demonstrate ongoing competence through the continuation of specialized training in the field of sexual deviance, including participation in SOAB sponsored training, and/or demonstration of acquisition of continuing education credits in the equivalent topics. The SOAB member shall have a minimum of 15 hours credit annually in an area related to sexual deviance.
- The SOAB member's education, training, and experience should include:
  - Personality theory and disorders;
  - Counseling and psychotherapy;
  - Cognitive/behavioral theory and therapy;
  - Risk assessment;
  - Relapse prevention;
  - Human sexuality;
  - Etiology of sexual deviance;
  - Ethics and professional standards;
  - Abnormal psychology;
  - Pharmacological therapy;
  - Victimology;
  - Psychological and behavioral assessment; and
  - Statistics and research design.
- The SOAB member is expected to engage in consultation with the staff psychologist or in ongoing consultation with other mental health professionals experienced in the evaluation and treatment of sexual deviancy.

- The SOAB member shall use only tests and methods approved by the SOAB, having been found relevant, valid, and reliable for use under the mandate imposed by statute.
- The SOAB member shall adhere to a standard format for the assessment, wherever possible, and conduct the assessment using the same criteria as all other SOAB members.
- The SOAB member, as an appointee of the governor, shall follow the Code of Conduct, as it applies to officials and employees of the Commonwealth.
- The SOAB member shall review all documents and literature provided to him/her, for his/her consideration in the course of duties as an expert in the field of sexual deviancy. No literature provided is to be considered a mandate for use, but is recommended for review and comment to all other Board members for its relevance, reliability, and validity to the work of the SOAB.

## Appendix 9-C: SVP Treatment and Management Standard

### Background

In 1995, the Pennsylvania General Assembly passed and the governor signed Act 42 (42 Pa. C.S.A., Subchapter H, as amended), creating the Sexual Offenders Assessment Board. Among its duties, this Board has been charged with responsibility for the development of standards for the evaluation, treatment, and monitoring of persons found by the courts to be sexually violent predators. In 1998, the Sexual Offenders Assessment Board convened a sexually violent predator treatment and management standards workgroup. This workgroup was comprised of: Board members; the Common Pleas Court; the Governor's Office; private sector service providers; victim advocates; representatives of the Pennsylvania Departments of Corrections and Public Welfare; the State Board of Probation and Parole; and the Pennsylvania Commission on Crime and Delinquency. The standards developed by this workgroup reflect its research into the current national standards for best practices in the treatment and management of sexually violent predators. In 2000, the Pennsylvania General Assembly passed Act 18 (42 Pa. C.S.A., Subchapter H, as amended), replacing certain provisions of Act 42. The Sexual Offenders Assessment Board treatment standards were thoroughly reviewed after the passage of Act 18 of 2000; no changes were deemed necessary.

Statute defines a sexually violent predator as a person convicted of the sexually violent offenses specified under the law, and due to a mental abnormality or personality disorder is likely to engage in predatory (an act directed at a stranger or a person with whom a relationship has been established or promoted for the primary purpose of victimization) sexually violent offenses (see 42 Pa.C.S.A. §§9795.1 & 9795.4).

### Mission

These Sexually Violent Predator Treatment and Management Standards shall provide a basis for the systematic assessment, treatment, and management of sexually violent predators by requiring best practice, sex-offender specific assessment, and treatment interventions integrated into and coordinated with the offender supervision provided by probation and parole, correctional, and other criminal justice authorities.

The primary goals of these standards are the enhancement of public safety and victim protection. These standards advance these goals by ensuring that the treatment afforded to sexually violent predators offers them the carefully supervised opportunity to develop the self-awareness, self-control, and skills necessary:

- To foster victim impact awareness, where clinically appropriate;
- To accept full responsibility and accountability for past and present behavior without cognitive distortion;
- To identify, modify, and control their sexually deviant behaviors by minimizing the internal and external precursors to such behaviors;
- To comprehend and cooperate fully with treatment and supervision of indefinite duration; and

- To understand the consequences to self of re-offending.

### **Principles**

Current research suggests that although there may be some neurological component, sexual predation is primarily a result of learned/acquired patterns of behavior that function to meet the need of deviant sexual arousal that cannot be cured, but must be managed over a lifetime. Motivated offenders can learn through treatment and supervision to: identify, change, and manage their offending behaviors; and identify and control the internal stimuli and external circumstances that promote these offenses, thereby decreasing their risk of offending. Even internal motivation and treatment compliance cannot permanently, or with certainty, eliminate the risk of future offenses.

For treatment to succeed in reducing risk, it must be paired with on-going objective assessments of progress and with external sources of control and supervision. These controls continually monitor behavior and limit offender access to the persons, situations, and contexts that increase risk. Definitive prediction of the risk of re-offense is not currently reliable. Risk is a fluid process; supervision and treatment shall be necessary for the life of the sexually violent predator.

Progress in treatment and level of risk are not constant over time because of the repetitive nature of offense patterns, fluctuating life stresses, and changing opportunities for offending. Consequently, relapse/re-offense prevention must be incorporated into treatment.

Comprehensive assessment, using objective techniques consistent with or equivalent to the polygraph, objective measures of sexual interest such as the ABEL Sexual Interest Inventory, phallometric measurements, drug and alcohol screening, and victim and other collateral reporting must be performed on a regular basis throughout the treatment and supervisory process. Community supervision must be consistent, intensive, appropriately intrusive, and closely integrated into treatment.

All treatment providers and supervisory personnel (correctional, probation and parole, judicial) responsible for the treatment and management of the offender must have access to the same comprehensive information about the offender. Sexual offenses are committed covertly, and rely on deception, secrecy, and offender denial. Fully informed treatment and supervisory staff are essential to effective offender treatment and management. The sexually violent predator must waive confidentiality of evaluation, treatment, case management, supervision, and criminal history information to allow all treatment and supervisory staff equal access to accurate information.

Assessment, supervision, and treatment of sexually violent predators must be sex-offender specific. Traditional mental health modalities and approaches will not reduce the likelihood of re-offending behavior. Persons providing sexually violent predator treatment and supervision shall have appropriate training and experience in the dynamics, treatment approaches, and supervisory techniques demonstrated to be most effective in modifying the behavior of sex offenders and safeguarding the community.

Each offender has experienced individual circumstances that resulted in the development of patterns of faulty, deviant, and criminal thinking that distorts the offender's perception, beliefs,

values, and emotions. These patterns have ultimately led to deviant and destructive behavior. Consequently, cognitive/behavioral therapies are a cornerstone of treatment of sexually violent predators. Pharmacology and psychopharmacology, when clinically appropriate, are adjunctive to the treatment process, but are not substitutes for sex-offender specific treatment and intensive supervision.

The approval of community based treatment programs for sexually violent predators on probation and parole rests with probation and parole officials, not the offender. The provider shall attest to the offender and the criminal justice authority having jurisdiction that the treatment to be offered and its collaboration with supervising agencies will meet the minimum requirements established by these standards. A committee appointed by the executive director of the Sexual Offenders Assessment Board shall review these standards at least annually. It will be updated to reflect the most current research and standards of practice.

### **Minimum Standards for Sex Offender Treatment Programs**

The program/provider has had a minimum of three year's experience treating sex offenders, collaborating with other agencies, and working with probation and parole departments. The provider shall be configured to administer a treatment program that can sometimes be intrusive, investigative, challenging, and always collaborative with other agencies. Treatment providers shall establish and enforce individualized risk reduction rules for sexually violent predator behavior.

The program employs a cognitive behavioral treatment approach that emphasizes group counseling and peer confrontation. Treatment components may include, but need not be limited to:

- cognitive restructuring;
- values clarification;
- recognition of offense behaviors;
- identification of risk factors;
- enhancement of coping skills;
- relapse/re-offense prevention;
- victim impact awareness;
- social competence;
- assertiveness training;
- anger and affect control;
- impulse control;
- sex education;
- improvement of appropriate sexual functioning;
- substance abuse treatment; and
- improvement of primary relationships.

The program employs a written Individual Treatment Plan (ITP). ITPs should be offender specific and tailored to the offender's criminal history, cognitive patterns, sexual arousal

patterns, offense patterns, co-occurring conditions, risk assessment, relapse profile and current circumstances. It shall contain measurable treatment goals, objectives and treatment interventions, and indicate the persons responsible for treatment and supervision. It shall integrate the collaborative efforts of all criminal justice and treatment agencies responsible for treatment and supervision of the offender.

The program shall have the capacity to provide for the administration of objective measures, such as the Abel Sexual Interest Inventory or plethysmography to ascertain deviant sexual interest and arousal patterns. The program shall have the capacity to provide for the administration of sex offender specific clinical polygraph testing to measure program compliance and progress in treatment.

The program shall ensure that victim protection and restitution are an integral part of sex offender treatment and management. Primary, secondary, and potential victim notification, contact, and/or participation in the treatment and decision making process shall be victim driven and clinically appropriate. All victim protection shall be a paramount goal of offender management. Family reunification goals shall be family driven, tailored to the victim's best interests, and pursued when clinically appropriate.

The program shall have the capacity to provide or arrange for physician evaluation and prescription of anti-androgen and other pharmacological therapies as an adjunct to the cognitive behavioral approach for treatment of sexual deviance. The program shall provide two co-therapists to conduct any therapy group that exceeds eight sex offenders, including any sexually violent predators. Didactic and education groups may involve larger participant numbers, and may be led by only one therapist.

The program shall provide or arrange for referral to specialized ancillary services for sex offenders who display other special needs or co-occurring disorders (e.g., substance abuse, mental retardation, mental illness, and learning disorders). The program shall keep accurate, uniform and timely records of treatment. It shall provide written reports on progress to the responsible criminal justice, correctional, probation and parole authorities at least once every six months, and provide the same with immediate notice of serious violations of program rules.

The program shall conduct and document case conferences with team members from parole and probation, other treatment services, criminal justice agencies, and social service agencies not less than once per month. It must also facilitate the participation of these agencies in actual group treatment processes, as appropriate, to actively monitor community risk, treatment compliance, and progress.

Treatment staff interaction with sexually violent predators shall encompass compassion for the humanity of the offender, while recognizing the offender's criminal sexual behavior as reprehensible.

### **Assessment and Evaluation**

Sexually violent predators shall have a comprehensive formal assessment at the onset of treatment, to establish a baseline, and at least once a year during treatment, review progress toward the goals and objectives established in the individual treatment plan, and to update and modify the plan as needed. These assessments shall include objective measures of treatment

compliance and offense related behavior such as polygraph testing and the ABEL Sexual Interest Inventory. Psychometric testing alone does not provide accurate assessment of risk. Assessments shall address current risk, including the type of risk and the contexts in which the risk is likely to occur, skill development, progress toward goals, and program compliance.

Clinical polygraph testing to promote honest self-reporting shall be incorporated into the individual treatment plan. It shall be performed in collaboration with the criminal justice or probation and parole office having jurisdiction at least once every six months. Polygraph operators shall adhere to the standards of best practice established for the administration of clinical polygraphs with sex offenders, and shall possess the credentials needed to practice their profession.

When used, plethysmographic assessments shall be conducted under the standards promulgated by the Association for the Treatment of Sexual Abusers (ATSA). The ABEL Assessment, when used, shall be administered under the current guidelines established by its originator.

Assessment results, including results of physiological measures, shall be communicated to the criminal justice agency having jurisdiction over the offender's supervision. Providers shall create mechanisms to manage staff counter transference, stress, burnout and isolation, including peer review and continuous quality improvement measures.

### **Provider Credentials**

Sexually violent predator treatment shall occur under the direction and supervision of clinicians who meet or exceed the minimum standards for education, training, and experience established by ATSA, and who are licensed to practice in their respective discipline in Pennsylvania.

When pharmaceuticals are used as an adjunct to treatment, a physician licensed to practice medicine in Pennsylvania shall perform their prescription and monitoring. All provider staff shall participate in an ongoing program of professional development to update their awareness of current research and enhance treatment skills.

### **Confidentiality**

Offenders have the right to be informed of the limits to confidentiality afforded during sex offender treatment. Limits of confidentiality shall be stipulated in writing, and written consent to release treatment and assessment information to all members of the treatment and supervision team, as well as, the Sexual Offenders Assessment Board shall be obtained as a condition of treatment.

The Board of Probation and Parole and the provider shall determine the limits of confidentiality of the results of the polygraph and other objective assessment measures, as well as to whom and under what circumstances disclosures about specific past offenses shall be made to criminal justice officials.

Sexually violent predators entering treatment shall be informed that information or disclosures during treatment concerning criminal activity will be reported immediately to the offender's probation or parole officer.

**Consent to Treatment**

Before enrollment in treatment, offenders shall be informed of the assessment and treatment measures that may be offered, and provide written consent to treatment and assessment. Applicable laws, regulations and standards pertaining to the offender's supervision and treatment, and their coordination shall be explained to each offender. Written informed consent shall be obtained before the administration of pharmaceutical, physiological, and aversive interventions.

The potential consequences for failure to comply with or fully participate in treatment shall be explained to the offender in writing. The provider shall immediately, by phone or fax, notify criminal justice authorities with legal jurisdiction over offender supervision regarding significant non-compliance.

Appendix 9-D: MnSOST-R, General Instructions

**Minnesota  
Sex Offender  
Screening Tool  
Revised  
(MnSOST-R)**

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**MN DEPARTMENT OF CORRECTIONS**

**SO/CD Services Unit**

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**(651) 642-0200**

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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.

A copy of the MNSOST-R may be downloaded from the web site:

[http://www.psychology.iastate.edu/~dle/mnsost\\_download.htm](http://www.psychology.iastate.edu/~dle/mnsost_download.htm)

## Appendix 9-E: PCL-R

### PCL-R Interview Schedule

The role of interviewing in PCL-R assessments is described in the *Manual and Rating Booklet*. Interviewers may choose to develop their own semi-structured interview to elicit the information needed to make the PCL-R ratings. If this interview is used, interviewers should ask each of the numbered questions; however, they may vary the wording of questions as necessary, in order to make them comprehensible or to maintain rapport.

The PCL-R interview provides a solid framework for addressing aspects of sex offender assessment, including school adjustment, work history, etc. The PCL-R is copyrighted (see Multi-health Systems, Toronto, Ontario). Use of the PCL-R is limited to qualified professionals.

**Appendix 9-F: STATIC-99**

**STATIC-99 Coding Rules**

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## How To Use This Manual

In most cases, scoring a STATIC-99 is fairly straightforward for an experienced evaluator. If you are unfamiliar with this instrument, we suggest that you turn to the back pages of this manual and find the one-page **STATIC-99 Coding Form**. You may want to keep a copy of this to one side as you review the manual.

We strongly recommend that you read, “Scoring the STATIC-99 and Computing the Risk Estimates” before you score the STATIC-99. These pages explain the nature of the STATIC-99 as a risk assessment instrument; to whom this risk assessment instrument may be applied; the role of self-report; exceptions for juvenile, developmentally delayed, and institutionalized offenders; changes from the last version of the STATIC-99 coding rules; the information required to score the STATIC-99; and important definitions such as “Index Offence,” Category “A” offences versus Category “B” offences, “Index Cluster,” and “Pseudo-recidivism.”

Individual item coding instructions begin at the section entitled “Scoring the Ten Items”. For each of the ten items, the coding instructions begin with three pieces of information: *The Basic Principle, Information Required to Score this Item, and The Basic Rule*. In most cases, just reading these three small sections will allow you to score that item on the STATIC-99. Should you be unsure of how to score the item you may read further and consider whether any of the special circumstances or exclusions apply to your case. This manual contains much information that is related to specific uses of the STATIC-99 in unusual circumstances and many sections of this manual need only be referred to in exceptional circumstances.

We also suggest that you briefly review the ten appendices as they contain valuable information on adjusting STATIC-99 predictions for time free in the community, a self-test of basic concepts, references, surgical castration, a table for converting raw STATIC-99 scores to risk estimates, the coding forms, a suggested report format for communicating STATIC-99-based risk information, a list of replication studies for the STATIC-99, information on inter-rater reliability and, how to interpret STATIC-99 scores greater than 6.

We appreciate all feedback on the scoring and implementation of the STATIC-99. Please feel free to contact any of the authors. Should you find any errors in this publication or have questions/concerns regarding the application of this risk assessment instrument or the contents of this manual, please address these concerns to:

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## Introduction

### The Nature of the STATIC-99

The STATIC-99 utilizes only static (unchangeable) factors that have been seen in the literature to correlate with sexual reconviction in adult males. The estimates of sexual and violent recidivism produced by the STATIC-99 can be thought of as a baseline of risk for violent and sexual reconviction. From this baseline of long-term risk assessment, treatment and supervision strategies can be put in place to reduce the risk of sexual recidivism.

The STATIC-99 was developed by R. Karl Hanson, Ph.D. of the Solicitor General Canada and David Thornton, Ph.D., at that time, of Her Majesty's Prison Service, England. The STATIC-99 was created by amalgamating two risk assessment instruments. The RRASOR (Rapid Risk Assessment of Sex Offender Recidivism), developed by Dr. Hanson, consists of four items: 1) having prior sex offences, 2) having a male victim, 3) having an unrelated victim, and 4) being between the ages of 18 and 25 years old. The items of the RRASOR were then combined with the items of the Structured Anchored Clinical Judgment –Minimum (SACJ-Min), an independently created risk assessment instrument written by Dr. Thornton (Grubin, 1998).

The SACJ-Min consists of nine items: 1) having a current sex offence; 2) prior sex offences; 3) a current conviction for non-sexual violence; 4) a prior conviction for non-sexual violence; 5) having 4 or more previous sentencing dates on the criminal record; 6) being single; 7) having non-contact sexual offences; 8) having stranger victims; and 9) having male victims. These two instruments were merged to create the STATIC-99, a 10-item prediction scale.

The strengths of the STATIC-99 are that it uses risk factors that have been empirically shown to be associated with sexual recidivism and the STATIC-99 gives explicit rules for combining these factors into a total risk score. This instrument provides explicit probability estimates of sexual reconviction, is easily scored, and has been shown to be robustly predictive across several settings using a variety of samples. The weaknesses of the STATIC-99 are that it demonstrates only moderate predictive accuracy (ROC = .71) and that it does not include all the factors that might be included in a wide-ranging risk assessment (Doren, 2002).

While potentially useful, an interview with the offender is not necessary to score the STATIC-99.

The authors of this manual strongly recommend training in the use of the STATIC-99 before attempting risk assessments that may affect human lives. Researchers, parole and probation officers, psychologists, sex offender treatment providers, and police personnel involved in threat and risk assessment activities typically use this instrument. Researchers are invited to make use of this instrument for research purposes and this manual and the instrument itself may be downloaded from [www.sgc.gc.ca](http://www.sgc.gc.ca).

It is possible to score more than six points on the STATIC-99 yet the top risk score is 6 (High-Risk). In analyzing the original samples it was found that there was no significant increase in recidivism rates for scores between 6 and 12. One of the reasons for this finding may be diminishing sample size. However, in general, the more risk factors, the more risk. There may be some saturation point after which additional factors do not appear to make a difference in risk. It is useful to keep in mind that all measurement activities contain some degree of error. If

the offender's score is substantially above 6 (High-Risk), there is greater confidence the offender's "true" score is greater than 6 (High-Risk) than if the offender had only scored a 6.

The STATIC-99 does not address all relevant risk factors for sexual offenders. Consequently a prudent evaluator will always consider other external factors that may influence risk in either direction. An obvious example is where an offender states intentions to further harm or "get" his victims (higher risk).

Or, an offender may be somewhat restricted from further offending either by health concerns or where he has structured his environment such that his victim group is either unavailable or he is always in the company of someone who will support non-offending (lower risk). These additional risk factors should be stated in any report as "additional factors that were taken into consideration" and not "added" to the STATIC-99 Score. Adding additional factors to the STATIC-99, or adding "over-rides" distances STATIC-99 estimates from their empirical base and substantially reduces their predictive accuracy.

- **Missing Items** – The only item that may be omitted on the STATIC-99 is "Ever Lived With ..." (Item #2). If no information is available, this item should be scored as a "0" (zero) – as if the offender **has lived** with an intimate partner for two years.
- **Recidivism Criteria** – In the original STATIC-99 samples the recidivism criteria was a new conviction for a sexual offence.
- **Non-Contact Sexual Offences** – The original STATIC-99 samples included a small number of offenders who had been convicted of non-contact sexual offences. STATIC-99 predictions of risk are relevant for non-contact sexual offenders, such as Break-&-Enter Fetishists who enter a dwelling to steal underwear or similar fetish objects.
- **RRASOR or STATIC-99?** On the whole, if the information is available to score the STATIC-99 it is preferable to use the STATIC-99 over the RRASOR as estimates based on the STATIC99 utilize more information than those based upon RRASOR scores. The average predictiveness of the STATIC-99 is higher than the average predictiveness of the RRASOR (Hanson, Morton, & Harris, in press).

### **Recidivism Estimates and Treatment**

The original samples and the recidivism estimates should be considered primarily as "untreated". The treatment provided in the Millbrook Recidivism Study and the Oak Ridge Division of the Penetanguishene Mental Health Centre samples were dated and appeared ineffective in the outcome evaluations. Most of the offenders in the Pinel sample did not complete the treatment program. Except for the occasional case, the offenders in the Her Majesty's Prison Service (UK) sample would not have received treatment.

### **Self-report and the STATIC-99**

Ten items comprise the STATIC-99. The amount of self-report that is acceptable in the scoring of these questions differs across questions and across the three basic divisions within the instrument.

Demographic Questions: For Item #1 – Young, while it is always best to consult official written records, self-report of age is generally acceptable for offenders who are obviously older than 25

years of age. For Item #2 – Ever Lived With..., to complete this item the evaluator should make an attempt to confirm the offender's relationship history through collateral sources and official records. There may, however, be certain cases (immigrants, refugees from third world countries) where confirmation is not possible. In the absence of these sources self-report information may be utilized, assuming of course, that the self-report seems credible and reasonable to the evaluator. For further guidance on the use of self-report and the STATIC-99 please see section "Item #2 – Ever Lived with an Intimate Partner – 2 Years."

**Criminal History Questions:** For the five items that assess criminal history (Items 3, 4, 5, 6, & 7) an official criminal history is required to score these items and self-report is not acceptable. This being said, there may be certain cases (immigrants, refugees from third world countries) where self-report of crimes may be accepted if it is reasonable to assume that no records exist or that existing records are truly un-retrievable. In addition, to the evaluator, the self-report must seem credible and reasonable.

**Victim Questions:** For the three victim items self-report is generally acceptable assuming the self-report meets the basic criteria of appearing reasonable and credible. Confirmation from official records or collateral contacts is always preferable.

### **Who can you use the STATIC-99 on?**

The STATIC-99 is an actuarial risk prediction instrument designed to estimate the probability of sexual and violent reconviction for adult males who have already been charged with or convicted of at least one sexual offence against a child or a non-consenting adult. This instrument may be used with first-time sexual offenders.

This instrument is not recommended for females, young offenders (those having an age of less than 18 years at time of release) or for offenders who have only been convicted of prostitution related offences, pimping, public toileting (sex in public locations with consenting adults) or possession of pornography/indecent materials. The STATIC-99 is not recommended for use with those who have never committed a sexual offence, nor is it recommended for making recommendations regarding the determination of guilt or innocence in those accused of a sexual offence. The STATIC-99 is not appropriate for individuals whose only sexual "crime" involves consenting sexual activity with a similar age peer (e.g., Statutory Rape {a U.S. charge} where the ages of the perpetrator and the victim are close and the sexual activity was consensual).

The STATIC-99 applies where there is reason to believe an actual sex offence has occurred with an identifiable victim. The offender need not have been convicted of the offence. The original samples used to create this instrument contained a number of individuals who had been found Not Guilty by Reason of Insanity and others who were convicted of non-sexual crimes, but in all cases these offenders had committed real sex crimes with identifiable victims. The STATIC-99 may be used with offenders who have committed sexual offences against animals.

In some cases, an evaluator may be faced with an offender who has had a substantial period at liberty in the community with opportunity to re-offend, but has not done so. In cases such as these, the risk of sexual re-offence probabilities produced by the STATIC-99 may not be reliable and adjustment should be considered.

### **STATIC-99 with Juvenile Offenders**

It should be noted that there were people in the original STATIC-99 samples who had committed sexual offences as juveniles (under the age of 18 years) and who were released as adults. In some cases, an assessment of STATIC-99 risk potential may be useful on an offender of this nature. If the juvenile offences occurred when the offender was 16 or 17 and the offences appear “adult” in nature (preferential sexual assault of a child, preferential rape type activities) – the STATIC-99 score is most likely of some utility in assessing overall risk.

Evaluations of juveniles based on the STATIC-99 must be interpreted with caution as there is a very real theoretical question about whether juvenile sex offending is the same phenomena as adult sex offending in terms of its underlying dynamics and our ability to affect change in the individual. In addition, the younger the juvenile offender is, the more important these questions become. In general, the research literature leads us to believe that adolescent sexual offenders are not necessarily younger versions of adult sexual offenders. Developmental, family, and social factors would be expected to impact on recidivism potential. We have reason to believe that people who commit sex offences only as children/young people are a different profile than adults who commit sexual offences. In cases such as these, we recommend that STATIC-99 scores be used with caution and only as part of a more wide-ranging assessment of sexual and criminal behaviour. A template for a standard, wide-ranging assessment can be found in the Solicitor General Canada publication, Harris, A. J. R., (2001), *High-Risk Offenders: A Handbook for Criminal Justice Professionals*, Appendix “d” (Please see the references section).

At this time we are aware of a small study that looked at the predictiveness of the STATIC-99 with juveniles. This study suggested that the scale worked with juveniles; at least in the sense that there was an overall positive correlation between their score on the STATIC-99 and their recidivism rate. This Texas study (Poole et al., 2000) focused on older juveniles who were 19 when released but younger when they offended.

In certain cases, the STATIC-99 may be useful with juvenile sexual offenders, if used cautiously. There would be reasonable confidence in the instrument where the convictions are related to offenses committed at the age of 17. In general, the younger the child, the more caution should be exercised in basing decisions upon STATIC-99 estimates. For example, if a 17-year-old offender committed a rape, alone, on a stranger female, you would have reasonable confidence in the STATIC-99 estimates. On the other hand, if the offender is now an adult (18+ years old) and the last sexual offence occurred when that individual was 14 or 15, STATIC-99 estimates would not apply. If the sexual offences occurred at a younger age and they look “juvenile” (participant in anti-social behaviour towards peers that had a sexual component) we would recommend that the evaluator revert to risk scales specifically designed for adolescent sexual offenders, such as the ERASOR (Worling, 2001).

The largest category of juvenile sexual offenders is generally antisocial youth who sexually victimize a peer when they are 13 or 14 years of age. These juvenile sexual offenders are most likely sufficiently different from adult sexual offenders that we do not recommend the use of the STATIC-99 nor any other actuarial instruments developed on samples of adult sexual offenders. We would once again refer evaluators to the ERASOR (Worling, 2001).

When scoring the STATIC-99, Juvenile offences when they are known from official sources, count as charges and convictions on “Prior Sexual Offences” regardless of the present age of the offender. Self-reported juvenile offences in the absence of official records do not count.

### **STATIC-99 with Juvenile Offenders who have been in prison for a long time**

In this section we consider juvenile offenders who have been in prison for extended periods (20 years plus) and who are now being considered for release. In one recent case a male juvenile offender had committed all of his offences prior to the age of 15. This individual is now 36 years old and has spent more than 20 years incarcerated for these offences. The original STATIC-99 samples contained some offenders who committed their sexual offences as juveniles and were released as adults. However, most of these offenders were in the 18 – 20 age group upon release. Very few, if any, would have served long sentences for offences committed as juveniles. Although cases such as these do not technically violate the sampling frame of the STATIC-99, such cases would have been sufficiently rare that it is reasonable for evaluators to use more caution than usual in the interpretation of STATIC-99 reconviction probabilities.

### **STATIC-99 with Offenders who are Developmentally Delayed**

The original STATIC-99 samples contained a number of Developmentally Delayed offenders. Presently, research is ongoing to validate the STATIC-99 on samples of Developmentally Delayed offenders. Available evidence to date supports the utility of actuarial approaches with Developmentally Delayed offenders. There is no current basis for rejecting actuarials with this population

### **STATIC-99 with Institutionalized Offenders**

The STATIC-99 is intended for use with individuals who have been charged with, or convicted of, at least one sexual offence. Occasionally, however, there are cases where an offender is institutionalized for a non-sex offence but, once incarcerated, engages in sexual assault or sexually aggressive behaviour that is sufficiently intrusive to come to official notice. In certain of these cases charges are unlikely, e.g., the offender is a “lifer”. If no sanction is applied to the offender, these offences are not counted. If the behaviour is sufficiently intrusive that it would most likely attract a criminal charge had the behaviour occurred in the community and the offender received some form of “in-house” sanction, (administrative segregation, punitive solitary confinement, moved between prisons or units, etc.), these offences would count as offences on the STATIC-99. If that behaviour were a sexual crime, this would create a new Index sexual offence. However, if no sanction is noted for these behaviours they cannot be used in scoring the STATIC-99.

The STATIC-99 may be appropriate for offenders with a history of sexual offences but currently serving a sentence for a non-sexual offence. The STATIC-99 should be scored with the most recent sexual offence as the Index offence. The STATIC-99 is not applicable to offenders who have had more than 10 years at liberty in the community without a sexual offence before they were arrested for their current offence. STATIC-99 risk estimates would generally apply to offenders that had between two and ten years at liberty in the community without a new sexual offence but are currently serving a new sentence for a new technical (fail to comply) or other minor non-violent offence (shoplifting, Break and Enter). Where an offender did have a

prolonged (two to ten years) sex-offence-free period in the community prior to their current non-sexual offence, the STATIC-99 estimates would be adjusted for time free using the chart in Appendix One – “Adjustments in risk based on time free.”

Adjusted crime-free rates only apply to offenders who have been without a new sexual or violent offence. Criminal misbehaviour such as threats, robberies, and assaults void any credit the offender may have for remaining free of additional sexual offences.

### **STATIC-99 with Black, Aboriginal, and Members of Other Ethnic/Social Groups**

Most members of the original samples from which recidivism estimates were obtained were white. However, race has not been found to be a significant predictor of sexual offence recidivism. It is possible that race interacts with STATIC-99 scores, but such interactions between race and actuarial rates are rare. It has been shown that the SIR Scale works as well for Aboriginal offenders as it does for non-aboriginal offenders (Hann et al., 1993). The LSI-R has been shown to work as well for non-white offenders as it does for white offenders (Lowenkamp et al., 2001) and as well for aboriginal offenders as it does for non-aboriginal offenders (Bonta, 1989). In Canada there is some evidence that STATIC-99 works as well for Aboriginal sexual offenders as it does for whites (Nicholaichuk, 2001). At this time, there is no reason to believe that the STATIC-99 is culturally specific

### **STATIC-99 and Offenders with Mental Health Issues**

The original STATIC-99 samples contained significant numbers of individual offenders with mental health concerns. It is appropriate to use the STATIC-99 to assess individuals with mental health issues such as schizophrenia and mood disorders.

### **STATIC-99 and Gender Transformation**

Use of the STATIC-99 is only recommended, at this time, for use with adult males. In the case of an offender in gender transformation the evaluator would score that person based upon their anatomical sex at the time their first sexual offence was committed.

## What's New? What's Changed?

### (Since the last version of the Coding Rules)

The most obvious change in the layout of the STATIC-99 is the slight modification of three of the items to make them more understandable. In addition, the order in which the items appear on the Coding Form has been changed. It is important to remember that no item definitions have been changed and no items have been added or subtracted. Present changes reflect the need for a clearer statement of the intent of the items as the use of the instrument moves primarily from the hands of researchers and academics into the hands of primary service providers such as, parole and probation officers, psychologists, psychometrists and others who use the instrument in applied settings. The revised order of questions more closely resembles the order in which relevant information comes across the desk of these individuals.

The first item name that has been changed is the old item #10, Single. The name of this item has been changed to "Ever lived with an intimate partner – 2 years" and this item becomes item number 2 in the revised scale. The reason for this change is that the new item name more closely reflects the intent of the item, whether the offender has ever been capable of living in an intimate relationship with another adult for two years.

The two Non-sexual violence items, "Index Non-sexual violence" and "Prior non-sexual violence" have been changed slightly to make it easier to remember that a conviction is necessary in order to score these items. These two items become "Index Non-sexual violence – Any convictions?" and "Prior Non-sexual violence – Any convictions?" in the new scheme.

Over time, there have been some changes to the rules from the previous version of the coding rules. Some rules were originally written to apply to a specific jurisdiction. In consultation with other jurisdictions, the rules have been generalized to make them applicable across jurisdictions in a way that preserves the original intent of the item. These minor changes are most evident in Item #6 – Prior Sentencing Dates.

Over the past two years, a large number of direct service providers have been trained in the administration of the STATIC-99. The training of direct service providers has revealed to us that two related concepts must be clearly defined for the evaluator. These concepts are "Pseudo-recidivism" and "Index cluster." Pseudo-recidivism results when an offender who is currently engaged in the criminal justice process has additional charges laid against them for crimes they committed before they were apprehended for the current offence. Since these earlier crimes have never been detected or dealt with by the justice system they are "brought forward" and grouped with the Index offence. When, for the purposes of scoring the STATIC-99, these offences join the "Index Offence" this means there are crimes from two, or more, distinct time periods included as the "Index." This grouping of offences is known as an "Index Cluster". These offences are not counted as "priors" because, even though the behaviour occurred a long time ago, these offences have never been subject to a legal consequence.

Finally, there is a new section on adjusting the score of the STATIC-99 to account for offenders who have not re-offended for several years. There is reason to downgrade risk status for the offender who has not re-offended in the community over a protracted period.

## Information Required to Score the STATIC-99

Three basic types of information are required to score the STATIC-99, Demographic information, an official Criminal Record, and Victim information.

### Demographic Information

Two of the STATIC-99 items require demographic information. The first item is “Young?” The offender’s date of birth is required in order to determine whether the offender is between 18 and 25 years of age at the time of release or at time of exposure to risk in the community. The second item that requires knowledge of demographic information is “Ever lived with an intimate partner – two years?” To answer this question the evaluator must know if the offender has ever lived in an intimate (sexual) relationship with another adult, continuously, for at least two years

### Official Criminal Record

In order to score the STATIC-99, the evaluator must have access to an official criminal record as recorded by police, court, or correctional officials. From this official criminal record you score five of the STATIC-99’s items: “Index non-sexual violence – Any convictions,” “Prior non-sexual violence – Any convictions,” “Prior sex offences,” “Prior sentencing dates,” and “Non-contact sex offences – Any convictions.” Self-report is generally not acceptable to score these five items – in the Introduction section, see sub-section – “Self-report and the STATIC-99.

### Victim Information

The STATIC-99 contains three victim information items “Any unrelated victims,” “Any stranger victims” and, “Any male victims.” To score these items the evaluator may use any credible information at their disposal except polygraph examination. For each of the offender’s sexual offences the evaluator must know the pre-offence degree of relationship between the victim and the offender.

## Definitions

### Sexual Offence

For the purposes of a STATIC-99 assessment a sexual offence is an officially recorded sexual misbehaviour or criminal behaviour with sexual intent. To be considered a sexual offence the sexual misbehaviour must result in some form of criminal justice intervention or official sanction. For people already engaged in the criminal justice system the sexual misbehaviour must be serious enough that individuals could be charged with a sexual offence if they were not already under legal sanction. Do not count offences such as failure to register as a sexual offender or consenting sex in prison.

Criminal justice interventions may include the following:

- Alternative resolutions agreements (Restorative Justice);
- Arrests;
- Charges;

- Community-based Justice Committee Agreements;
- Criminal convictions;
- Institutional rule violations for sexual offences (Do not count consenting sexual activity in prison); and
- Parole and probation violations.

Sanctions may include the following:

- Alternative resolution agreements;
- Community supervision;
- Conditional discharges;
- Fines;
- Imprisonment; and
- Loss of institutional time credits due to sexual offending (“work time credits”).

Generally, “work time credit” or “institutional time credits” means credit towards (time off) a prisoner’s sentence for satisfactory performance in work, training or education programs. Any prisoner who accumulates “work time credit” may be denied or may forfeit the credit for failure or refusal to perform assigned, ordered, or directed work or for receiving a serious disciplinary offense.

Sexual offences are scored only from official records and both juvenile and adult offences count. You may not count self-reported offences except under certain limited circumstances, please refer to the Introduction section – sub-section “Self-report and the STATIC-99.”

An offence need not be called “sexual” in its legal title or definition for a charge or conviction to be considered a sexual offence. Charges or convictions that are explicitly for sexual assaults, or for the sexual abuse of children, are counted as sexual offenses on the STATIC-99, regardless of the offender’s motive. Offenses that directly involve illegal sexual behaviour are counted as sex offenses even when the legal process has led to a “non-sexual” charge or conviction. An example of this would be where an offender is charged with or pleads guilty to a Break and Enter when he was really going in to steal dirty underwear to use for fetishistic purposes.

In addition, offenses that involve non-sexual behavior are counted as sexual offenses if they had a sexual motive. For example, consider the case of a man who strangles a woman to death as part of a sexual act but only gets charged with manslaughter. In this case the manslaughter charge would still be considered a sexual offence. Similarly, a man who strangles a woman to gain sexual compliance but only gets charged with Assault; this Assault charge would still be considered a sexual offence. Further examples of this kind include convictions for murder where there was a sexual component to the crime (perhaps a rape preceding the killing), kidnapping where the kidnapping took place but the planned sexual assault was interrupted before it could occur, and assaults “pled down” from sexual assaults.

Physical assaults, threats, and stalking motivated by sexual jealousy do not count as sexual offenses when scoring the STATIC-99.

### **Additional Charges**

Offences that may not be specifically sexual in nature, occurring at the same time as the sexual offence, and under certain conditions, may be considered part of the sexual misbehaviour.

Examples of this would include an offender being charged with/convicted of:

- Sexual assault (rape) and false imprisonment;
- Sexual assault (rape) and kidnapping; or
- Sexual assault (rape) and battery.

In instances such as these, depending upon when in the court process the risk assessment was completed, the offender would be coded as having been convicted of two sexual offences plus scoring in another item (Index or Prior Non-sexual Violence). For example if an offender were convicted of any of the three examples above prior to the current “Index” offence, the offender would score 2 “prior” sex offence charges and 2 “prior” sex offence convictions (On Item #5 – Prior Sexual Offences) and a point for Prior Non-sexual Violence (Please see “Prior Non-sexual Violence” or “Index Non-sexual Violence” for a further explanation).

### **Category “A” and Category “B” Offences**

For the purposes of the STATIC-99, sexual misbehaviours are divided into two categories. Category “A” involves most criminal charges that we generally consider “sexual offences” and that involve an identifiable child or non-consenting adult victim. This category includes all contact offences, exhibitionism, voyeurism, sex with animals and dead bodies.

Category “B” offences include sexual behaviour that is illegal but the parties are consenting or no specific victim is involved. Category “B” offences include prostitution related offences, consenting sex in public places, and possession of pornography. Behaviours such as urinating in public or public nudity associated with mental impairment are also considered Category “B” offences.

Rule: if the offender has any Category “A” offences on their record - all Category “B” offences should be counted as sex offences for the purpose of scoring sexual priors or identifying the Index offense. They do not count for the purpose of scoring victim type items. The STATIC-99 is not recommended for use with offenders who have only Category “B” offences.

Offence names and legalities differ from jurisdiction to jurisdiction and a given sexual behaviour may be associated with a different charge in a different jurisdiction. The following is a list of offences that would typically be considered sexual. Other offence names may qualify when they denote sexual intent or sexual misbehaviour.

### **Category “A” Offences**

- Aggravated Sexual Assault;
- Attempted sexual offences (Attempted Rape, Attempted Sexual Assault);
- Contributing to the delinquency of a minor (where the offence had a sexual element);
- Exhibitionism;
- Incest;

- Indecent exposure;
- Invitation to sexual touching;
- Lewd or lascivious acts with a child under 14;
- Manufacturing/creating child pornography where an identifiable child victim was used in the process (The offender had to be present or participate in the creation of the child pornography with a human child present);
- Molest children;
- Oral copulation;
- Penetration with a foreign object;
- Rape (includes in concert) (Rape in concert is rape with one or more co-offenders. The co-offender can actually perpetrate a sexual crime or be involved to hold the victim down);
- Sexual Assault;
- Sexual Assault Causing Bodily Harm;
- Sexual battery;
- Sexual homicide
- Sexual offences against animals (Bestiality);
- Sexual offences involving dead bodies (Offering an indignity to a dead body);
- Sodomy (includes in concert and with a person under 14 years of age);
- Unlawful sexual intercourse with a minor; and
- Voyeuristic activity (Trespass by night).

### **Category “B” Offences**

- Consenting sex with other adults in public places;
- Crimes relating to child pornography (possession, selling, transporting, creating where only pre-existing images are used, digital creation of);
- Indecent behaviour without a sexual motive (e.g., urinating in public);
- Offering prostitution services;
- Pimping/Pandering;
- Seeking/hiring prostitutes; and
- Solicitation of a prostitute.

Certain sexual behaviours may be illegal in some jurisdictions and legal in others (e.g., prostitution). Count only those sexual misbehaviours that are illegal in the jurisdiction in which the risk assessment takes place and in the jurisdiction where the acts took place.

**Exclusions**

The following offences would not normally be considered sexual offences:

- Annoying children;
- Consensual sexual activity in prison (except if sufficiently indiscreet to meet criteria for gross indecency);
- Failure to register as a sex offender;
- Being in the presence of children, loitering at schools;
- Possession of children's clothing, pictures, toys;
- Stalking (unless sexual offence appears imminent, please see definition of "Truly Imminent" below); and
- Reports to child protection services (without charges).

Rule: Simple questioning by police not leading to an arrest or charge is insufficient to count as a sexual offence.

**Probation, Parole or Conditional Release Violations as Sexual Offences**

Rule: Probation, parole or conditional release violations resulting in arrest or revocation/breach are considered sexual offences when the behaviour could have resulted in a charge/conviction for a sexual offence if the offender were not already under legal sanction.

Sometimes the violations are not clearly defined as a sexual arrest or conviction. The determination of whether to count probation, parole, or conditional release violations as sexual offences is dependent upon the nature of the sexual misbehaviour. Some probation, parole and conditional release violations are clearly of a sexual nature, such as when a rape or child molestation has taken place or when behaviours such as exhibitionism or possession of child pornography have occurred. These violations would count as the Index offence if they were the offender's most recent criminal justice intervention.

Generally, violations due to "high-risk" behaviour would not be considered sex offences. The most common of these occurs when the offender has a condition not to be in the presence of children but is nevertheless charged with a breach - being in the presence of children. A breach of this nature would not be considered a sexual offence. This is a technical violation. The issue that determines if a violation of conditional release is a new sex offence or not is whether a person who has never been convicted of a sex offence could be charged and convicted of the breach behaviour. A person who has never faced criminal sanction could not be charged with being in the presence of minors; hence, because a non-criminal could not be charged with this offence, it is a technical violation. Non-sexual probation, parole and conditional release violations, and charges and convictions such as property offences or drug offences are not counted as sexual offences, even when they occur at the same time as sexual offences.

Taking the above into consideration, some high-risk behaviour may count as a sexual offence if the risk for sexual offence recidivism was truly imminent and an offence failed to occur only due to chance factors, such as detection by the supervision officer or resistance of the victim.

**Definition of “Truly Imminent”**

Examples of this nature would include an individual with a history of child molesting being discovered alone with a child and about to engage in a “wrestling game.” Another example would be an individual with a long history of abducting teenage girls for sexual assault being apprehended while attempting to lure teenage girls into his car.

**Institutional Rule Violations**

Institutional rule violations resulting in institutional punishment can be counted as sex offences if certain conditions exist. The first condition is that the sexual behaviour would have to be sufficiently intrusive that a charge for a sexual offence would be possible if the offender was not already under legal sanction. In other words, “if he did it on the outside would he get charged for it?” Institutional Disciplinary Reports for sexual misbehaviours that would likely result in a charge were the offender not already in custody count as charges. Poorly timed or insensitive homosexual advances would not count even though this type of behaviour might attract institutional sanctions. The second condition is that the evaluator must be sure that the sexual assaults actually occurred and the institutional punishment was for the sexual behaviour.

In a prison environment it is important to distinguish between targeted activity and non-targeted activity. Institutional disciplinary reports that result from an offender who specifically chooses a female officer and masturbates in front of her, where she is the obvious and intended target of the act, would count as a “charge” and hence, could stand as an Index offence. The alternative situation is where a female officer discovers an offender, who is masturbating in his cell, and she is not an obvious and intended target. In some jurisdictions, this would lead to a Disciplinary Report. Violations of this “non-targeted” nature do not count as a “charge” and could not stand as an Index offence. If the evaluator has insufficient information to distinguish between these two types of occurrences the offender gets the benefit of the doubt and the evaluator would not score these occurrences. A further important distinction is whether the masturbation takes place covered or uncovered. Masturbating under a sheet would not be regarded as an attempt at indecent exposure.

Consider these two examples:

- (1) A prisoner is masturbating under a sheet at a time when staff would not normally look in his cell. Unexpectedly a female member of staff opens the observation window, looks through the door, and observes him masturbating. This would not count as a sex offence for the purposes of STATIC-99, even if a disciplinary charge resulted.
- (2) In the alternate example, a prisoner masturbates uncovered so that his erect penis is visible to anyone who looks in his cell. Prison staff has reason to believe that he listens for the lighter footsteps of a female guard approaching his cell. He times himself so that he is exposed in this fashion at the point that a female guard is looking into the cell. This would count as a sexual offence for the purposes of scoring STATIC-99 if it resulted in an institutional punishment.

Rule: Prison Misconducts and Institutional Rule Violations for Sexual Misbehaviours count as one charge per sentence

Prison misconducts for sexual misbehaviours count as one charge per sentence, even when there are multiple incidents. The reason for this is that in some jurisdictions the threshold for misconducts is very low. Often, as previously described, misconduct will involve a female guard simply looking into a cell and observing an inmate masturbating. Even in prison, serious sexual offences, rape and attempted rape will generally attract official criminal charges

### **Mentally Disordered and Developmentally Delayed Offenders**

Some offenders suffer from sufficient mental impairment (major mental illness, developmental delays) that criminal justice intervention is unlikely. For these offenders, informal hearings and sanctions such as placement in treatment facilities and residential moves would be counted as both a charge and a conviction for a sexual offence.

### **Clergy and the Military**

For members of the military or religious groups (clergy) (and similar professions) some movements within their own organizations can count as charges and convictions and hence, Index offences. The offender has to receive some form of official sanction in order for it to count as a conviction. An example of this would be the “de-frocking” of a priest or minister or being publicly denounced. Another example would be where an offender is transferred within the organization and the receiving institution knows they are receiving a sex offender. If this institution considers it part of their mandate to address the offender’s problem or attempt to help him with his problem then this would function as equivalent to being sent to a correctional institution, and would count as a conviction and could be used as an Index Offence.

For members of the military, a religious group (clergy) or teachers (and similar professions) being transferred to a new parish/school/post or being sent to graduate school for re-training does not count as a conviction and cannot be used as an Index Offence.

### **Juveniles**

Instances in which juveniles (ages 12–15) are placed into residential care for sexual aggression would count as a charge and conviction for a sexual offence. In jurisdictions where 16 and 17 year old sexual offenders remain in a juvenile justice system (not charged, tried, and sent to jail as adults are), where it is possible to be sent to a “home” or “placement,” this would count as a charge and a conviction for a sexual offence. In jurisdictions where juveniles aged 16 and 17 are charged, convicted, sentenced, and jailed much like adults, juvenile charges and convictions (between ages 16 - 17) would be counted the same as adult charges and convictions.

Sexual misbehaviour of children 11 or under would not count as a sex offence unless it resulted in official charges.

### **Official Cautions – United Kingdom**

In the United Kingdom, an official caution should be treated as equivalent to a charge and a conviction.

### **Similar Fact Crimes**

An Offender assaults three different women on three different occasions. On the first two occasions he grabs the woman as she is walking past a wooded area, drags her into the bushes and rapes her. For this he is convicted twice of Sexual Assault (rape). In the third case he grabs the woman, starts to drag her into the bushes but she is so resistant that he beats her severely and leaves her. In this case, he is convicted of Aggravated Assault. In order for the conviction to be counted as a sexual offence, it must have a sexual motivation. In a case like this it is reasonable to assume that the Aggravated Assault had a sexual motivation because it resembles the other sexual offences so closely. In the absence of any other indication to the contrary this Aggravated Assault would also be counted as a sexual offence. Note: This crime could also count as Non-sexual Violence.

Please also read subsection “Coding Crime Sprees” in section “Item #5 – Prior Sex Offences.

### **Index Offence**

The Index offence is generally the most recent sexual offence. It could be a charge, arrest, conviction, or rule violation (see definition of a sexual offence, earlier in this section). Sometimes Index offences include multiple counts, multiple victims, and numerous crimes perpetrated at different times because the offender may not have been detected and apprehended. Some offenders are apprehended after a spree of offending. If this results in a single conviction regardless of the number of counts, all counts are considered part of the Index offence. Convictions for sexual offences that are subsequently overturned on appeal can count as the Index offence. Charges for sexual offences can count as the Index Offence, even if the offender is later acquitted.

Most of the STATIC-99 sample (about 70%) had no prior sexual offences on their record; their Index offence was their first recorded sexual misbehaviour. As a result, the STATIC-99 is valid with offenders facing their first sexual charges.

### **Acquittals**

Acquittals count as charges and can be used as the Index Offence.

### **Convictions Overturned on Appeal**

Convictions that are subsequently overturned on appeal can count as an Index Offence.

### **“Detected” by Child Protection Services**

Being “detected” by the Children’s Aid Society or other Child Protection Services does not count as an official sanction; it may not stand as a charge or a conviction. This is insufficient to create a new Index Offence.

### **Revocation of Conditional Release for “Lifers,” Dangerous Offenders, and Others with Indeterminate Sentences – As an Index Offence**

Occasionally, offenders on conditional release in the community who have a life sentence, who have been designated as Dangerous Offenders (Canada C.C.C. Sec. 753) or other offenders with indeterminate sentences either commit a new offence or breach their release conditions

while in the community. Sometimes, when this happens the offenders have their conditional releases revoked and are simply returned to prison rather than being charged with a new offence or violation. Generally, this is done to save time and court resources as these offenders are already under sentence.

If a “lifer”, Dangerous Offender, or other offender with an already imposed indeterminate sentence is simply revoked (returned to prison from conditional release in the community without trial) for a sexual behaviour this can serve as the Index Sexual Offence if the behaviour is of such gravity that a person not already involved with the criminal justice system would most likely be charged with a sexual criminal offence given the same behaviour. Note: the evaluator should be sure that were this offender not already under sanction that it is highly likely that a sexual offence charge would be laid by police.

### **Historical Offences**

The evaluator may face a situation where an offender is brought before the court on a series of sexual offences, all of which happened several years in the past. This most often occurs when an offender has offended against children in the past and as these children mature they come forward and charge the perpetrator. After the first charge is laid it is not unusual for other victims to appear and lay subsequent charges. The evaluator may be faced with an offender with multiple charges, multiple court dates, and possibly multiple convictions who has never before been to court – or who has never before been sanctioned for sexual misbehaviour. In a case like this, where the offender is before the court for the first time, all of the charges, court appearances and convictions become what is known as an “Index Cluster” and they are all counted as part of the Index Offence.

### **Index Cluster**

An offender may commit a number of sexual offences in different jurisdictions, over a protracted period, in a spree of offending prior to being detected or arrested. Even though the offender may have a number of sentencing dates in different jurisdictions, the subsequent charges and convictions would constitute an “Index Cluster”. These “spree” offences would group together – the early ones would not be considered “priors” and the last, the “Index”, they all become the “Index Cluster”. This is because the offender has not been “caught” and sanctioned for the earlier offences and then “chosen” to re-offend in spite of the sanction. Furthermore, historical offences that are detected after the offender is convicted of a more recent sexual offence would be considered part of the Index offence (pseudo-recidivism) and become part of the Index Cluster (See subsequent section).

For two offences to be considered separate offences, the second offence must have been committed after the offender was detected and detained and/or sanctioned for the previous offence. For example, an offence committed while an offender was released on bail for a previous sexual offence would supersede the previous charge and become the Index offence. This is because the offender knew he/she had been detected for their previous crimes but chose to re-offend anyway.

### Index Cluster Occurrences

The first occurs when an offender commits multiple offences at the same time and these offences are then subsequently dealt with as a group by the police and the courts.

The second occurs when an Index offence has been identified for an offender and following this the evaluator becomes aware of previous historical offences for which the offender has never previously been charged or convicted. These previous offences come forward and become part of the “Index Cluster.” This is also known as “Pseudo-recidivism”. It is important to remember, these historical charges do not count as “priors” because the offending behaviour was not consequenced before the offender committed the Index offence. The issue being, the offender has not been previously sanctioned for his behaviour and then made the choice to re-offend.

The third situation arises when an offender is charged with several offences that come to trial within a short period of time (a month or so). When the criminal record is reviewed it appears that a cluster of charges were laid at the end of an investigation and that the court could not attend to all of these charges in one sitting day. When the evaluator sees groups of charges where it appears that a lot of offending has finally “caught up” with an offender – these can be considered a “cluster.” If these charges happen to be the last charges they become an Index Cluster. The evaluator would not count the last court day as the “Index” and the earlier ones as “priors.” A second example of this occurs when an offender goes on a crime “spree” – the offender repeatedly offends over time, but is not detected or caught. Eventually, after two or more crimes, the offender is detected, charged, and goes to court. But he has not been independently sanctioned between the multiple offences.

- **For Example:** An offender commits a rape, is apprehended, charged, and released on bail. Very shortly after his release, he commits another rape, is apprehended and charged. Because the offender was apprehended and charged between crimes this does not qualify as a crime “spree” – these charges and possible eventual convictions would be considered separate crimes. If these charges were the last sexual offences on the offender’s record – the second charge would become the Index and the first charge would become a “Prior”.

However, if an offender commits a rape in January, another in March, another in May, and another in July and is finally caught and charged for all four in August this constitutes a crime “spree” because he was not detected or consequenced between these crimes. As such, this spree of sexual offences, were they the most recent sexual offences on the offenders record, would be considered an “Index Cluster” and all four rape offences would count as “Index” not just the last one

### Pseudo-Recidivism

Pseudo-recidivism occurs when an offender currently involved in the criminal justice process is charged with old offences for which they have never before been charged. This occurs most commonly with sexual offenders when public notoriety or media publicity surrounding their trial or release leads other victims of past offences to come forward and lay new charges. Because the offender has not been charged or consequenced for these misbehaviours previously, they have not experienced a legal consequence and then chosen to re-offend.

- **For Example:** Mr. Jones was convicted in 1998 of three sexual assaults of children. These sexual assaults took place in the 1970's. As a result of the publicity surrounding Mr. Jones' possible release in 2002, two more victims, now adults, come forward and lay new charges in 2002. These offences also took place in the 1970s but these victims did not come forward until 2002. Because Mr. Jones had never been sanctioned for these offences they were not on his record when he was convicted in 1998. Offences for which the offender has never been sanctioned that come to light once the offender is in the judicial process are considered "pseudo-recidivism" and are counted as part of the "Index Cluster". Historical charges of this nature are not counted as "priors."

The basic concept is that the offender has to be sanctioned for previous misbehaviours and then "chose" to ignore that sanction and re-offend anyway. If he chooses to re-offend after a sanction then he creates a new offence and this offence is considered part of the record, usually a new Index offence. If historical offences come to light, for which the offender has never been sanctioned, once the offender is in the system for another sexual offence, these offences "come forward" and join the Index Offence to form an Index Cluster.

### **Post-Index Offences**

Offences that occur after the Index offence do not count for STATIC-99 purposes. Post-Index sexual offences create a new Index offence. Post-Index violent offences should be considered "external" risk factors and would be included separately in any report about the offender's behaviour.

- **For Example, Post-Index Sexual Offences:** Consider a case where an offender commits a sexual offence, is apprehended, charged, and released on bail. You are assigned to evaluate this offender but before you can complete your evaluation he commits another sexual offence, is apprehended and charged. Because the offender was apprehended, charged, and released this does not qualify as a crime "spree". He chose to re-offend in spite of knowing that he was under legal sanction. These new charges and possible eventual convictions would be considered a separate crime. In a situation of this nature the new charges would create a new sexual offence and become the new Index offence. If these charges happened to be the last sexual offences on the offender's record – the most recent charges would become the Index and the charge on which he was first released on bail would become a "Prior" Sexual Offence.
- **For Example, Post-Index Violent Offences:** Consider a case where an offender in prison on a sexual offence commits and is convicted of a serious violent offence. This violent offence would not be scored on either Item #3 (Index Non-sexual Violence convictions) or Item #4 (Prior Non-sexual Violence convictions) but would be referred to separately, as an "external risk factor", outside the context of the STATIC-99 assessment, in any subsequent report on the offender.

### **Prior Offence(s)**

A prior offence is any sexual or non-sexual crime, institutional rule violation, probation, parole or conditional release violation(s) and/or arrest charge(s) or, conviction(s), that was legally dealt with PRIOR to the Index offence. This includes both juvenile and adult offences. In general, to

count as a prior, the sanction imposed for the prior offense must have occurred before the Index offense was committed. However, if the offender was aware that they were under some form of legal restraint and then goes out and re-offends in spite of this restriction, the new offense(s) would create a new Index offense. An example of this could be where an offender is charged with “Sexual Communication with a Person Under the Age of 14 Years” and is then released on his own recognizance with a promise to appear or where they are charged and released on bail. In both of these cases if the offender then committed an “Invitation to Sexual Touching” after being charged and released the “Invitation to Sexual Touching” would become the new Index offense and the “Sexual Communication with a Person Under the Age of 14 Years” would automatically become a “Prior” sexual offence.

In order to count violations of conditional release as “Priors” they must be “real crimes,” something that someone not already engaged in the criminal justice system could be charged with. Technical violations such as Being in the Presence of Minors or Drinking Prohibitions do not count.

## Scoring the 10 Items

### Item # 1 – Young

**The Basic Principle:** Research (Hanson, 2001) shows that sexual recidivism is more likely in an offender's early adult years than in an offender's later adult years.

**Information Required to Score this Item:** To complete this item the evaluator has to confirm the offender's birth date or have other knowledge of the offender's age.

**The Basic Rule:** If the offender is between ages 18-25 at exposure to risk you score the offender a "1" on this item. If the offender is past his 25<sup>th</sup> birthday at exposure to risk, score the offender a "0" on this item.

STATIC-99 is not intended for those who are less than 18 years old at the time of exposure to risk.

Under certain conditions, such as anticipated release from custody, the evaluator may be interested in an estimate of the offender's risk at some specific point in the future. This may occur if the offender is presently incarcerated (January) and you are interested in his risk when he is eligible for release in September. However, you know that the offender's 25<sup>th</sup> birthday will occur in May. If you were assessing the offender's estimated risk of re-offense for his possible release in September – because at time of exposure to risk he is past his 25<sup>th</sup> birthday - you would not give the risk point for being less-than-25 even though he is only 24 today. You calculate risk based upon age at exposure to risk.

Sometimes the point at which an offender will be exposed to risk may be uncertain, for example, if he is eligible for parole but may not get it. In these cases it may be appropriate to use some form of conditional wording indicating how his risk assessment would change according to when he is released

### Item # 2 – Ever Lived with an Intimate Partner – 2 Years

**The Basic Principle:** Research suggests that having a prolonged intimate connection to someone may be a protective factor against sexual re-offending. See Hanson and Bussière (1998), Table 1 – Items "Single (never married) and Married (currently)". On the whole, we know that the relative risk to sexually reoffend is lower in men who have been able to form intimate partnerships.

**Information Required to Score this Item:** To complete this item it is highly desirable that the evaluator confirms the offender's relationship history through collateral sources or official records.

**The Basic Rule:** If the offender has never had an intimate adult relationship of two years duration you score the offender a "1" on this item. If the offender has had an intimate adult relationship of two years duration you score the offender a "0" on this item.

The intent of this item is to reflect whether the offender has the personality/psychological resources, as an adult, to establish a relatively stable "marriage-like" relationship with another person. It does not matter whether the intimate relationship was/is homosexual or heterosexual.

- Missing Items – The only item that may be omitted on the STATIC-99 is this one (Ever Lived With.
- – Item #2). If no information is available this item should be scored a “0” (zero) – as if the offender has lived with an intimate partner for two years.
- To complete this item the evaluator should make an attempt to confirm the offender’s relationship history through collateral sources and official records. In the absence of these sources self-report information may be utilized, assuming of course, that the self-report seems credible and reasonable to the evaluator. There may be certain cases (immigrants, refugees from third world countries) where it is not possible to access collaterals or official records. Where the evaluator, based upon the balance of probabilities, is convinced this person has lived with an intimate partner for two years the evaluator may score this item a “0”. It is greatly preferred that you confirm the existence of this relationship through collateral contacts or official records. This should certainly be done if the assessment is being carried out in an adversarial context where the offender would have a real motive to pretend to a non-existent relationship.
- In cases where confirmation of relationship history is not possible or feasible the evaluator may chose to score this item both ways and report the difference in risk estimate in their final report.

If a person has been incarcerated most of their life or is still quite young and has not had the opportunity to establish an intimate relationship of two years duration, they are still scored as never having lived with an intimate partner for two years. They score a “1”. There are two reasons for this. The first being, this was the way this item was scored in the original samples and to change this definition now would distance the resulting recidivism estimates from those validated on the STATIC-99. Secondly, having been part of, or experienced, a sustained relationship may well be a protective factor for sexual offending. As a result, the reason why this protective factor is absent is immaterial to the issue of risk itself.

The offender is given a point for this item if he has never lived with an adult lover (male or female) for at least two years. An adult is an individual who is over the age of consent to marriage. The period of cohabitation must be continuous with the same person.

Generally, relationships with adult victims do not count. However, if the offender and the victim had two years of intimate relationship before the sexual offences occurred then this relationship would count, and the offender would score a “0” on this item. However, if the sexual abuse started before the offender and the victim had been living together in an intimate relationship for two years then the relationship would not count regardless of it’s length.

Cases where the offender has lived over two years with a child victim in a “lover” relationship do not count as living with an intimate partner and the offender would be scored a “1” on this item. Illegal relationships (Incestuous relationship with his mother) and live-in relationships with “once child” victims do not count as “living together” for the purposes of this item and once again the offender would score a “1” on this item. A “once child” victim is the situation where the offender abused a child but that victim is either still living, as an adult, in an intimate relationship with the offender or who has lived, as an adult, in an intimate relationship with the offender.

**Exclusions**

- Legal marriages involving less than two years of co-habitation do not count;
- Male lovers in prison would not count;
- Prison marriages (of any duration) where the offender is incarcerated during the term of the relationship do not count;
- Illegal relationships, such as when the offender has had an incestuous relationship with his mother do not count;
- Intimate relationships with non-human species do not count;
- Relationships with victims do not count (see above for exception); and
- Priests and others who for whatever reason have chosen, as a lifestyle, not to marry/co-habitate are still scored as having never lived with an intimate partner.

**Extended Absences**

In some jurisdictions it is common for an offender to be away from the marital/family home for extended periods. The offender is generally working on oilrigs, fishing boats, bush camps, military assignment, or other venues of this nature. While the risk assessment instrument requires the intimate co-habitation to be continuous there is room for discretion. If the offender has an identifiable “home” that he/she shares with a lover and the intimate relationship is longer than two years, the evaluator should look at the nature and consistency of the relationship. The evaluator should attempt to determine, in spite of these prolonged absences, whether this relationship looks like an honest attempt at a long-term committed relationship and not just a relationship of convenience.

If this relationship looks like an honest attempt at a long-term committed relationship then the evaluator would score the offender a “0” on this item as this would be seen as an intimate relationship of greater than two years duration. If the evaluator thinks that the relationship is a relationship of convenience, the offender would score a “1.” If the living together relationship is of long duration (three plus years) then the periods of absence can be fairly substantial (four months in a logging camp/oil rig, or six months or more on military assignment

**Item # 3 – Index Non-Sexual Violence (NSV) – Any Convictions**

**The Basic Principle:** A meta-analytic review of the literature indicates that having a history of violence is a predictive factor for future violence. See Hanson and Bussière (1998), Table 2 – Item “Prior Violent Offences.” The presence of non-sexual violence predicts the seriousness of damage if a re-offence occurred and is strongly indicative of whether overt violence will occur (Hanson & Bussière, 1998). This item was included in the STATIC-99 because in the original samples this item demonstrated a small positive relationship with sexual recidivism (Hanson & Thornton, unpublished data).

In English data, convictions for non-sexual violence were specifically predictive of rape (forced sexual penetration) rather than all kinds of sexual offenses (Thornton & Travers, 1991). In some English data sets this item has also been predictive of reconviction for any sex offense.

Information Required to Score this Item: To score this item the evaluator must have access to an official criminal record as compiled by police, court, or correctional authorities. Self-report of criminal convictions may not be used to score this item except in specific rare situations, please see sub-section “Self-report and the STATIC-99” in the Introduction section.

The Basic Rule: If the offender’s criminal record shows a separate conviction for a non-sexual violent offence at the same time they were convicted of their Index Offence, you score the offender a “1” on this item. If the offender’s criminal record does not show a separate conviction for a non-sexual violent offence at the same time they were convicted of their Index Offence, you score the offender a “0” on this item.

This item refers to convictions for non-sexual violence that are dealt with on the same sentencing occasion as the Index sex offence. A separate Non-sexual violence conviction is required to score this item. These convictions can involve the same victim as the Index sex offence or they can involve a different victim. All non-sexual violence convictions are included, providing they were dealt with on the same sentencing occasion as the Index sex offence(s).

Both adult and juvenile convictions count in this section. In cases where a juvenile is not charged with a violent offence but is moved to a secure or more secure residential placement as the result of a non-sexually violent incident, this counts as a conviction for Non-sexual Violence.

Included are:

- Aggravated Assault;
- Arson;
- Assault;
- Assault causing bodily harm;
- Assault Peace/Police Officer;
- Attempted Abduction;
- Attempted Robbery;
- False Imprisonment;
- Felonious Assault;
- Forcible Confinement;
- Give Noxious Substance (alcohol, narcotics, or other stupeficient in order to impair a victim);
- Grand Theft Person (“Grand Theft Person” is a variation on Robbery and may be counted as Non-sexual violence);
- Juvenile Non-sexual Violence convictions count on this item;
- Kidnapping;
- Murder;
- “PINS” Petition (Person in need of supervision). There have been cases where a juvenile has been removed from his home by judicial action under a “PINS” petition due to violent actions. This would count as a conviction for non-sexual violence;
- Robbery;

- Threatening;
- Using/pointing a weapon/firearm in the commission of an offence;
- Violation of a Domestic Violence Order (Restraining Order) (a conviction for); and
- Wounding.

Note: If the conviction was “Battery” or “Assault” and the evaluator knew that there was a sexual component, this would count as a sexual offence and as a Non-sexual Violence offence.

Excluded are:

- Arrest/charges do not count;
- Convictions overturned on appeal do not count;
- Non-sexual violence that occurs after the Index offence does not count;
- Institutional rules violations cannot count as Non-sexual Violence convictions; and
- Do not count driving accidents or convictions for Negligence causing Death or Injury.

### **Weapons Offences**

Weapons offences do not count unless the weapon was used in the commission of a violent or a sexual offence. For example, an offender might be charged with a sexual offence and then in a search of the offenders home the police discover a loaded firearm. As a result, the offender is convicted, in addition to the sexual offence, of unsafe weapons storage. This would not count as a conviction for non-sexual violence as the weapons were not used in the commission of a violent or sexual offence.

A conviction for possession of a firearm or possession of a firearm without a license would generally not count as a non-sexual violent offence. A conviction for pointing a firearm would generally count as non-sexual violence as long as the weapon was used to threaten or gain victim compliance. Intent to harm or menace the victim with the weapon must be present in order to score a point on this item.

### **Resisting Arrest**

“Resisting Arrest” does not count as non-sexual violence. In Canadian law this charge could apply to individuals who run from an officer or who hold onto a lamppost to delay arrest. If an offender fights back he will generally be charged with “Assault a Peace/Police Officer” which would count as non-sexual violence.

### **Convictions Coded as Only Sexual**

- Sexual Assault, Sexual Assault with a Weapon, Aggravated Sexual Assault, and Sexual Assault Causing Bodily Harm are not coded separately as Non-sexual Violence – these convictions are simply coded as sexual;
- Assault with Intent to Commit Rape (U.S. Charge) – A conviction under this charge is scored as only a sex offence – Do not code as Non-sexual Violence; and
- Convictions for “Sexual Battery” (U.S. Charge) – A conviction under this charge is scored as only a sex offence – Do not code as Non-sexual Violence.

### Situations Where Points are Scored for a “Sexual Offence” and Non-sexual Violence Offence

An offender may initially be charged with one count of sexual assault of a child but plea-bargains this down to one Forcible Confinement and one Physical Assault of a Child. In this instance, both offences would be considered sexual offences (they could be used as an “Index” offence or could be used as “priors” if appropriate) as well; a risk point would be given for non-sexual violence.

If you have an individual convicted of Kidnapping/Forcible Confinement (or a similar offence) and it is known, based on the balance of probabilities, this was a sexual offence - this offence may count as the “Index” sexual offence or you may score this conviction as a sexual offence under Prior Sexual Offences, whichever is appropriate given the circumstances.

#### For Example

Criminal Record for Joe Smith			
Date	Charge	Conviction	Sentence
July 2000	Forcible Confinement	Forcible Confinement	20 Months incarceration and 3 years probation
If the evaluator knows that the behaviour was sexual this conviction for Forcible Confinement would count as One Sexual Offence (either for “priors” or an “Index”) and One Non-sexual Violence (either “prior” or “Index”)			

#### However...

Criminal Record for Joe Smith			
Date	Charge	Conviction	Sentence
July 2000	1) Forcible Confinement 2) Sexual Assault	1) Forcible Confinement 2) Sexual Assault	20 Months incarceration and 3 years probation
If the evaluator knows that the Forcible Confinement was part of the sexual offence this situation would count as Two Sexual Offences (either for “priors” or an “Index”) and One Non-sexual Violence (either “prior” or “Index”)			

**Military**

If an “undesirable discharge” is given to a member of the military as the direct result of a violent offence (striking an officer, or the like) this would count as a Non-sexual Violence conviction and as a sentencing date (Item #6). However, if the member left the military when he normally would have and the “undesirable discharge” is equivalent to a bad job reference, this offence would not count as Non-sexual Violence or as a Sentencing Date.

**Murder – With a Sexual Component**

A sexual murderer who only gets convicted of murder would get one risk point for Non-sexual violence, but this murder would also count as a sexual offence.

**Revocation of Conditional Release for “Lifers,” Dangerous Offenders, and Others with Indeterminate Sentences**

If a “lifer,” Dangerous Offender, or other offender with an already imposed indeterminate sentence is simply revoked (returned to prison from conditional release in the community without trial) for a sexual behaviour that would generally attract a sexual charge if the offender were not already under sanction and at the same time this same offender committed a violent act sufficient that it would generally attract a separate criminal charge for a violent offence, this offender can be scored for Index Non-sexual Violence when the accompanying sexual behaviour stands as the Index offence. Note: the evaluator should be sure that were this offender not already under sanction that it is highly likely that both a sexual offence charge and a violent offence charge would be laid by police.

**Item # 4 – Prior Non-sexual Violence – Any Convictions**

**The Basic Principle:** A meta-analytic review of the literature indicates that having a history of violence is a predictive factor for future violence. See Hanson and Bussière (1998), Table 2 – Item “Prior Violent Offences.” The presence of non-sexual violence predicts the seriousness of damage were a re-offence to occur and is strongly indicative of whether overt violence will occur (Hanson & Bussière, 1998). This item was included in the STATIC-99 because in the original samples this item demonstrated a small positive relationship with sexual recidivism (Hanson & Thornton, unpublished data).

In English data, convictions for prior non-sexual violence were specifically predictive of rape (forced sexual penetration) rather than all kinds of sexual offenses (Thornton & Travers, 1991). In some English data sets this item has also been predictive of reconviction for any sex offense. Sub-analyses of additional data sets confirm the relation of prior non-sexual violence and sexual recidivism (Hanson & Thornton, 2002).

**Information Required to Score this Item:** To score this item the evaluator must have access to an official criminal record as compiled by police, court, or correctional authorities. Self-report of criminal convictions may not be used to score this item except in specific rare situations, please see sub-section “Self-report and the STATIC-99” in the Introduction section.

**The Basic Rule:** If the offender’s criminal record shows a separate conviction for a non-sexual violent offence prior to the Index Offence, you score the offender a “1” on this item. If the

offender's criminal record does not show a separate conviction for a non-sexual violent offence prior to their Index Offence, you score the offender a "0" on this item.

This item refers to convictions for non-sexual violence that are dealt with on a sentencing occasion that pre-dates the Index sex offence sentencing occasion. A separate non-sexual violence conviction is required to score this item. These convictions can involve the same victim as the Index sex offence or they can involve a different victim, but the offender must have been convicted for this non-sexual violent offence before the sentencing date for the Index offence. All non-sexual violence convictions are included, providing they were dealt with on a sentencing occasion prior to the Index sex offence.

Both adult and juvenile convictions count in this section. In cases where a juvenile is not charged with a violent offence but is moved to a secure or more secure residential placement as the result of a non-sexually violent incident, this counts as a conviction for Non-sexual Violence.

Included are:

- Aggravated Assault;
- Arson;
- Assault;
- Assault Causing Bodily Harm;
- Assault Peace/Police Officer;
- Attempted Abduction;
- Attempted Robbery;
- False Imprisonment;
- Felonious Assault;
- Forcible Confinement;
- Give Noxious Substance (alcohol, narcotics, or other stupeficient in order to impair a victim);
- Grand Theft Person ("Grand Theft Person" is a variation on Robbery and may be counted as Non-sexual violence);
- Juvenile Non-sexual Violence convictions count on this item;
- Kidnapping;
- Murder;
- "PINS" Petition (Person in need of supervision) There have been cases where a juvenile has been removed from his home by judicial action under a "PINS" petition due to violent actions. This would count as a conviction for Non-sexual violence;
- Robbery;
- Threatening;
- Using/pointing a weapon/firearm in the commission of an offence;
- Violation of a Domestic Violence Order (Restraining Order) (a conviction for); and
- Wounding.

Note: If the conviction was “Battery” or “Assault” and the evaluator knew that there was a sexual component, this would count as a sexual offence and as a Non-sexual Violence offence.

Excluded are:

- Arrest/charges do not count;
- Convictions overturned on appeal do not count;
- Non-sexual violence that occurs after the Index offence does not count;
- Institutional rules violations cannot count as Non-sexual Violence convictions; and
- Do not count driving accidents or convictions for Negligence causing Death or Injury.

### **Weapons Offences**

Weapons offences do not count unless the weapon was used in the commission of a violent or a sexual offence. For example, an offender might be charged with a sexual offence and then in a search of the offenders home the police discover a loaded firearm. As a result, the offender is convicted, in addition to the sexual offence, of unsafe weapons storage. This would not count as a conviction for non-sexual violence as the weapons were not used in the commission of a violent or sexual offence.

A conviction for Possession of a firearm or Possession of a firearm without a licence would generally not count as a non-sexual violent offence. A conviction for pointing a firearm would generally count as nonsexual violence as long as the weapon was used to threaten or gain victim compliance. Intent to harm or menace the victim with the weapon must be present in order to score a point on this item.

### **Resisting Arrest**

“Resisting Arrest” does not count as non-sexual violence. In Canadian law, this charge could apply to individuals who run from an officer or who hold onto a lamppost to delay arrest. If an offender fights back he will generally be charged with “Assault a Peace/Police Officer” which would count as non-sexual violence.

Convictions that are coded as only “sexual” include:

- Sexual Assault, Sexual Assault with a Weapon, Aggravated Sexual Assault, and Sexual Assault Causing Bodily Harm are not coded separately as Non-sexual Violence – these convictions are simply coded as sexual;
- Assault with Intent to Commit Rape (U.S. Charge) – A conviction under this charge is scored as only a sex offence – Do not code as Non-sexual Violence; and
- Convictions for “Sexual Battery” (U.S. Charge) – A conviction under this charge is scored as only a sex offence – Do not code as Non-sexual Violence.

### **Situations where points are scored both for a “Sexual Offence” and a Non-sexual Violence offence**

An offender may initially be charged with one count of sexual assault of a child but plea-bargains this down to one Forcible Confinement and one Physical Assault of a Child. In this instance, both offences would be considered sexual offences (they could be used as an “Index”

offence or could be used as “priors” if appropriate) as well; a risk point would be given for non-sexual violence.

If you have an individual convicted of Kidnapping/Forcible Confinement (or a similar offence) and it is known, based on the balance of probabilities, this was a sexual offence - this offence may count as the “Index” offence or you may score this conviction as a sexual offence under Prior Sexual Offences, whichever is appropriate given the circumstances.

**For Example:**

<b>Criminal Record for Joe Smith</b>			
<b>Date</b>	<b>Charge</b>	<b>Conviction</b>	<b>Sentence</b>
July 2000	Forcible Confinement	Forcible Confinement	20 Months incarceration and 3 years probation
<p><b>If the evaluator knows that the behaviour was sexual this conviction for Forcible Confinement would count as One Sexual Offence (either for “priors” or an “Index”) and One Non-sexual Violence (either “prior” or “Index”).</b></p>			

**However:**

<b>Criminal Record for Joe Smith</b>			
<b>Date</b>	<b>Charge</b>	<b>Conviction</b>	<b>Sentence</b>
July 2000	1) Forcible Confinement 2) Sexual Assault	1) Forcible Confinement 2) Sexual Assault	20 Months incarceration and 3 years probation
<p><b>If the evaluator knows that the Forcible Confinement was part of the sexual offence this situation would count as Two Sexual Offences (either for “priors” or an “Index”) and One Non-sexual Violence (either “prior” or “Index”).</b></p>			

**Military**

If an “undesirable discharge” is given to a member of the military as the direct result of a violent offence (striking an officer, or the like) this would count as a Non-sexual Violence conviction and as a sentencing date (Item #6). However, if the member left the military when he normally would have and the “undesirable discharge” is equivalent to a bad job reference, this offence would not count as Non-sexual Violence or as a Sentencing Date.

**Murder – With a sexual component**

A sexual murderer who only gets convicted of murder would get one risk point for Non-sexual violence, but this murder would also count as a sexual offence.

### Revocation of Conditional Release for “Lifers”, Dangerous Offenders, and Others with Indeterminate Sentences

If a “lifer,” Dangerous Offender, or other offender with an already imposed indeterminate sentence has been revoked (returned to prison from conditional release in the community without trial) for a Nonsexual Violent offence that happened prior to the Index sexual offence (or Index Cluster) this revocation can stand as a conviction for Non-sexual Violence if that non-sexually violent act were sufficient that it would generally attract a separate criminal charge for a violent offence. Note: the evaluator should be sure that were this offender not already under sanction that it is highly likely that a violent offence charge would be laid by police.

#### Item # 5 – Prior Sex Offences

**The Basic Principle:** This item and the others that relate to criminal history and the measurement of persistence of criminal activity are based on a firm foundation in the behavioural literature. As long ago as 1911 Thorndyke stated that the “the best predictor of future behaviour, is past behaviour”. Andrews & Bonta (2003) state that having a criminal history is one of the “Big Four” predictors of future criminal behaviour. More recently, and specific to sexual offenders, a meta-analytic review of the literature indicates that having prior sex offences is a predictive factor for sexual recidivism. See Hanson and Bussière (1998), Table 1 – Item “Prior Sex Offences.”

**Information Required to Score this Item:** To score this item you must have access to an official criminal record as compiled by police, court, or correctional authorities. Self-report of criminal convictions may not be used to score this item except in specific rare situations, please see sub-section “Self-report and the STATIC-99” in the Introduction section.

**The Basic Rule:** This is the only item in the STATIC-99 that is not scored on a simple “0” or “1” dichotomy. From the offender’s official criminal record, charges and convictions are summed separately. Charges that are not proceeded with or which do not result in a conviction are counted for this item. If the record you are reviewing only shows convictions, each conviction is also counted as a charge.

Charges and convictions are summed separately and these totals are then transferred to the chart below.

**Note:** For this item, arrests for a sexual offence are counted as “charges.”

Prior Sexual Offences		
Charges	Convictions	Final Score
None	None	0
1-2	1	1
3-5	2-3	2
6+	4	3

Whichever column, charges or convictions, gives the offender the “higher” final score is the column that determines the final score. Examples are given later in this section.

This item is based on officially recorded institutional rules violations, probation, parole and conditional release violations, charges, and convictions. Only institutional rule s violations, probation, parole, and conditional release violations, charges, and convictions of a sexual nature that occur PRIOR to the Index offence are included.

Do not count the Index Sexual Offence. The Index sexual offence charge(s) and conviction(s) are not counted, even when there are multiple offences and/or victims involved, and the offences occurred over a long period of time.

### **Count all sexual offences prior to the Index Offence**

All pre-Index sexual charges and convictions are coded, even when they involve the same victim, or multiple counts of the same offence. For example, three charges for sexual assault involving the same victim would count as three separate charges. Remember, “counts count”. If an offender is charged with six counts of Invitation to Sexual Touching and is convicted of two counts you would score a “6” under charges and a “2” under convictions. Convictions do not take priority over charges. If the record you are reviewing only shows convictions, each conviction is also counted as a charge.

Generally when an offender is arrested, they are initially charged with one or more criminal charges. However, these charges may change as the offender progresses through the criminal justice system. Occasionally, charges are dropped for a variety of legal reasons, or “pled down” to obtain a final plea bargain. As a basic rule, when calculating charges use the most recent charging document as your source of official charges.

In some cases a number of charges are laid by the police and as the court date approaches these charges are “pled-down” to fewer charges. When calculating charges and convictions you count the number of charges that go to court. In other cases an offender may be charged with a serious sexual offence (Aggravated Sexual Assault) and in the course of plea bargaining agrees to plead to two (or more) lesser charges (Assault). Once again, you count the charges that go to court and in a case like this the offender would score as having more charges than were originally laid by the police.

When scoring this item, counting charges and convictions, it is important to use an official criminal record. One incident can result in several charges or convictions. For example, an offender perpetrates a rape where he penetrates the victim once digitally and once with his penis while holding her in a room against her will. This may result in two convictions for Sexual Battery (Sexual Assault or equivalent) and one conviction of False Imprisonment (Forcible Confinement or equivalent). So long as it is known that the False Imprisonment was part of the sexual offence, the offender would be scored as having three (3) sexual charges, three (3) sexual convictions and an additional risk point for a conviction of Non-sexual Violence [the False Imprisonment] (Either “Index” {Item #3} or “Prior” {Item #4} as appropriate).

### **Probation, Parole and Conditional Release Violations**

If an offender violates probation, parole, or conditional release with a sexual misbehaviour, these violations are counted as one charge.

If the offender violates probation or parole on more than one occasion, within a given probation or parole period, each separate occasion of a sexual misbehaviour violation is counted as one charge. For example, a parole violation for indecent exposure in July would count as one charge. If the offender had another parole violation in November for possession of child pornography, it would be coded as a second charge.

Multiple probation, parole and conditional release violations for sexual misbehaviours laid at the same time are coded as one charge. Even though the offender may have violated several conditions of parole during one parole period, it is only counted as one charge, even if there were multiple sex violations.

**For Example:**

<b>Criminal History for John Jack</b>			
<b>Date</b>	<b>Charges</b>	<b>Convictions</b>	<b>Sanction</b>
July 1996	Lewd and Lascivious with Child (X3) Sodomy Oral Copulation Burglary	Lewd and Lascivious with Child (X3) Sodomy (dismissed) Oral Copulation (dismissed) Burglary (dismissed)	3 Years
May 2001	Sexual Assault on a Child		

To determine the number of Prior Sex Offences you first exclude the Index Offence. In the above case, the May 2001 charge of Sexual Assault on a Child is the Index Offence. After excluding the May 2001 charge, you sum all remaining sexual offence charges. In this case you would sum, {Lewd and Lascivious with Child (X3), Sodomy (X1), and Oral Copulation (X1)} for a total of five (5) previous Sex Offence charges. You then sum the number of Prior Sex Offence convictions. In this case, there are three convictions for Lewd and Lascivious with Child. These two sums are then moved to the scoring chart shown below. The offender has five prior charges and three prior convictions for sexual offences. Looking at the chart below, the evaluator reads across the chart that indicates a final score for this item of two (2).

<b>Prior Sexual Offences</b>		
<b>Charges</b>	<b>Convictions</b>	<b>Final Score</b>
None	None	0
1-2	1	1
3-5	2-3	2
6+	4	3

Charges and Convictions are counted separately – the column that gives the higher final score is the column that scores the item. It is possible to have six (6+) or more charges for a sexual offence and no convictions. Were this to happen, the offender's final score would be a three (3) for this item.

**Acquittals**

Acquittals count as charges and can be used as the Index Offence. The reason that acquittals are scored this way is based upon a research study completed in England that found that men acquitted of rape are more likely to be convicted of sexual offences in the follow-up period than men who had been found guilty {with equal times at risk} (Soothill et al., 1980). Note: Acquittals do not count for Item #6 – Prior Sentencing Dates.

**Adjudication Withheld**

In some jurisdictions it is possible to attract a finding of “Adjudication Withheld”, in which case the offender receives a probation-like period of supervision. This is counted as a conviction because a sentence was given.

**Appeals**

If an offender is convicted and the conviction is later overturned on appeal, code as one charge

**Arrests Count**

In some instances, the offender has been arrested for a sexual offence, questioning takes place but no formal charges are filed. If the offender is arrested for a sexual offence and no formal charges are filed, a “1” is coded under charges, and a “0” is coded under convictions. If the offender is arrested and one or more formal charges are filed, the total number of charges is coded, even when no conviction ensues.

**Coding “Crime Sprees”**

Occasionally, an evaluator may have to score the STATIC-99 on an offender who has been caught at the end of a long line of offences. For example, over a 20-day period an offender breaks into 5 homes, each of which is the home of an elderly female living alone. One he rapes, one he attempts to rape but she gets away, and three more get away, one with a physical struggle (he grabs her wrists, tells her to shut up). The offender is subsequently charged with Sexual Assault, Attempted Sexual Assault, B & E with Intent (X2), and an Assault. The question is, do all the charges count as sexual offences, or just the two charges that are clearly sexual? Or, does the evaluator score the two sex charges as sex charges and the assault charges as Non-sexual Violence?

In cases such as this, code all 5 offences as sex offences - based upon the following thinking: 1) From the evidence presented this appears to be a "focused" crime spree – We assume the evaluator has little doubt what would have happened had the women not escaped or fought back. 2) Our opinion of "focus" is reinforced by the exclusive nature of the victim group, "elderly females". This offender appears to want something specific, and, the very short time span - 20 days – leads us to believe that the offender was feeling some sexual or psychological pressure to offend. 3) An attempted contact sex offence is scored as a contact sex offence for the purposes of the STATIC-99. Charges such as Attempted Sexual Assault (Rape) and Invitation to Sexual Touching are coded as contact sex offences due to their intention. 4) We recommend that if the evaluator "based on the balance of probabilities" (not "beyond a reasonable doubt") -

is convinced that sex offences were about to occur that these actions can be counted as sex offences. 5) Please also read sub-section “Similar Fact Crimes” in the “Definitions” section.

### **Conditional Discharges**

Where an offender has been charged with a sexual offence and receives a Conditional Discharge, for the purposes of the STATIC-99 a conditional discharge counts as a conviction and a sentencing date.

### **Consent Decree**

Where applicable, “Consent Decree” counts as a conviction and a sentencing date.

### **Court Supervision**

In some states it is possible to receive a sentence of Court Supervision, where the court provides some degree of minimal supervision for a period (one year), this is similar to probation and counts as a conviction.

### **Detection by Child Protection Officials**

Being “detected” by the Children’s Aid Society or other Child Protection Services does not count as an official sanction; it may not stand as a charge or a conviction.

### **Extension of Sentence by a Parole Board (or similar)**

In some jurisdictions Parole Boards (or similar) have the power to extend the maximum period of incarceration beyond that determined by the court. If an offender is assigned extra time, added to their sentence, by a parole board for a sexual criminal offence this counts as an additional sexual charge and conviction. The new additional period of incarceration must extend the total sentence and must be for sexual misbehaviour. This would not count as a sexual conviction if the additional time was to be served concurrently or if it only changed the parole eligibility date. This situation is not presently possible in Canada

### **Giving Alcohol to a Minor**

The charge of Giving Alcohol to a Minor (or it’s equivalent, drugs, alcohol, noxious substance, or other stupeficient) – can count as a sexual offence (both charge and conviction) if the substance was given with the intention of making it easier to commit a sexual offence. If there were evidence the alcohol (or substance) was given to the victim just prior to the sexual assault, this would count as a sexual offence. If there is no evidence about what went on, or the temporal sequence of events, the substance charge would not count as a sexual offence.

### **Institutional Disciplinary Reports**

Institutional Disciplinary Reports for sexual misbehaviours that would likely result in a charge were the offender not already in custody count as charges. In a prison environment it is important to distinguish between targeted activity and non-targeted activity. Institutional disciplinary reports that result from an offender who specifically chooses a female guard and masturbates in front of her, where she is the obvious and intended target of the act would count as a “charge” and hence, could stand as an Index offence. The alternative situation is where an

offender who is masturbating in his cell and is discovered by a female employee and she is not an obvious and intended target. In some jurisdictions this would lead to a Disciplinary Report. Violations of this “non-targeted” nature do not count as a “charge” and could not stand as an Index offence. If you have insufficient information to distinguish between these two types of occurrences the offender gets the benefit of the doubt and you do not score the occurrence.

An example of a behaviour that might get an inmate a disciplinary charge, but would not be used as a charge for scoring the STATIC-99, includes the inmate who writes an unwanted love letter to a female staff. The letter does not contain sexual content to the extent that the offender could be charged. Incidents of this nature do not count as a charge.

Prison misconducts for sexual misbehaviours count as one charge per sentence, even when there are multiple incidents. The reason for this is that in some jurisdictions the threshold for misconducts is very low. Often, as previously described, misconduct will involve a female guard simply looking into a cell and observing an inmate masturbating. Even in prison, serious sexual offences, rape and attempted rape will generally attract official criminal charges

### **Juvenile Offences**

Both adult and juvenile charges and convictions count when scoring this item. In cases where a juvenile was not charged with a sexual offence but was moved to a secure or more secure residential placement as the result of a sexual incident, this counts as a charge and a conviction for the purposes of scoring Prior Sex Offences.

### **Juvenile Petitions**

In some states, it is impossible for a juvenile offender to get a “conviction”. Instead, the law uses the wording that a juvenile “petition is sustained” (or any such wording). For the purposes of scoring the STATIC-99 this is equivalent to an adult conviction because there are generally liberty-restricting consequences. Any of these local legal wordings can be construed as convictions if they would be convictions were that term available.

### **Military**

For members of the military, a discharge from service as a result of sexual crimes would count as a charge and a conviction.

If an “undesirable discharge” were given to a member of the military as the direct result of a sexual offence, this would count as a sexual conviction and as a sentencing date (Item #6). However, if the member left the military when he normally would have, and the “undesirable discharge” is the equivalent to a bad job reference, the undesirable discharge would not count as a sexual offence or as a Sentencing Date (Item #6).

### **Military Courts Martial**

If an offender is given a sanction (Military Brig or it’s equivalent) for a criminal offence, rather than a purely military offence {failure of duty}, these offences count, both charges and convictions, when scoring the STATIC-99. If the charges are sexual they count as sexual offences and if violent, they count as violent offences. These offences also count as sentencing

dates (Item #6). Pure Military Offences {Conduct Unbecoming, Insubordination, Not following a lawful order, Dereliction of Duty, etc.} do not count when scoring the STATIC-99.

### **Noxious Substance**

The charge of Giving A Noxious Substance (or it's equivalent, drugs, alcohol, or other stupeficient) – can count as a sexual offence (both charge and conviction) if the substance was given with the intention of making it easier to commit the sexual offence. If there were evidence the substance was given to the victim just prior to the sexual assault, this would count as a sexual offence. If there is no evidence about what went on, or the temporal sequence of events, the substance charge would not count as a sexual offence.

### **Not Guilty**

Being found “Not Guilty” can count as charges and can be used as the Index Offence. Note: This is not the case for Item #6, “Prior Sentencing Dates”, where being found “Not Guilty” is not counted as a Prior Sentencing Date.

### **Official Cautions – United Kingdom**

In the United Kingdom, an official caution should be treated as equivalent to a charge and a conviction.

### **Official Diversions**

Official diversions are scored as equivalent to a charge and a conviction (Restorative Justice, Reparations, Family Group Conferencing, Community Sentencing Circles).

### **Peace Bonds, Judicial Restraint Orders and “810” Orders**

In some instances a Peace Bond/Judicial Restraint Order/810 Orders are placed on an offender when sexual charges are dropped or dismissed or when an offender leaves jail or prison. Orders of this nature, primarily preventative, **are not counted** as charges or convictions for the purposes of scoring the STATIC-99.

### **“PINS” Petition (Person in need of supervision)**

There have been cases where a juvenile has been removed from his home by judicial action under a “PINS” petition due to sexual aggression. This would count as a charge and a conviction for a sexual offence.

### **Priests and Ministers**

For members of a religious group (Clergy and similar professions) some disciplinary or administrative actions within their own organization can count as a charge and a conviction. The offender has to receive some form of official sanction in order for it to count as a conviction. An example of an official sanction would be removal from a parish for a priest or minister under the following circumstances.

If the receiving institution knows they are being sent a sex offender and considers it part of their mandate to address the offender's problem or attempt to help, this would function as equivalent

to being sent to a correctional institution and would count as a charge and a conviction. A conviction of this nature may stand as an Index offence.

Allegations that result in a “within-organization” disciplinary move or a move designed to explicitly address the offenders problems would be counted as a charge and a conviction. A conviction of this nature may stand as an Index offence.

Being transferred to a new parish or being given an administrative posting away from the public with no formal sanction or being sent to graduate school for re-training would not count as a charge or conviction.

Where a priest/minister is transferred between parishes due to allegations of sexual abuse but there is no explicit internal sanction; these moves would not count as charges or convictions.

### **Prison Misconducts for Sexual Misbehaviours Count as One Charge per Sentence**

Prison misconducts for sexual misbehaviours count as one charge per sentence, even when there are multiple incidents. The reason for this is that in some jurisdictions the threshold for misconducts is very low. Often, as previously described, misconduct will involve a female guard simply looking into a cell and observing an inmate masturbating. Even in prison, serious sexual offences, rape and attempted rape will generally attract official criminal charges.

### **Post-Index Offences**

Offences that occur after the Index offence do not count for STATIC-99 purposes. Post-Index sexual offences create a new Index offence. Post-Index violent offences should be considered “external” risk factors and would be included separately in any report about the offender’s behaviour.

- **For Example, Post-Index Sexual Offences:** Consider a case where an offender commits a sexual offence, is apprehended, charged, and released on bail. You are assigned to evaluate this offender but before you can complete your evaluation he commits another sexual offence, is apprehended and charged. Because the offender was apprehended, charged, and released this does not qualify as a crime “spree”. He chose to re-offend in spite of knowing that he was under legal sanction. These new charges and possible eventual convictions would be considered separate crimes. In a situation of this nature the new charges would create a new sexual offence and become the new Index offence. If these charges happened to be the last sexual offences on the offender’s record – the most recent charges would become the Index and the charge on which he was first released on bail would become a “Prior” Sexual Offence.
- **For Example, Post-Index Violent Offences:** Consider a case where an offender in prison on a sexual offence commits and is convicted of a serious violent offence. This violent offence would not be scored on either Item #3 (Index Non-sexual Violence convictions) or Item #4 (Prior Non-sexual Violence convictions) but would be referred to separately, outside the context of the STATIC-99 assessment, in any subsequent report on the offender.

**Probation before Judgement**

Where applicable, “Probation before judgment” counts as a charge, conviction, and a sentencing date.

**Revocation of Conditional Release for “Lifers,” Dangerous Offenders, and Others with Indeterminate Sentences**

If a “lifer,” Dangerous Offender, or other offender with an already imposed indeterminate sentence is simply revoked (returned to prison from conditional release in the community without trial) for a sexual behaviour that is of sufficient gravity that a person not already involved with the criminal justice system would most likely be charged with a sexual criminal offence, this revocation of conditional release would count as both a Prior Sex Offence “charge” and a Prior Sex Offence “conviction.” Note: the evaluator should be sure that were this offender not already under sanction that it is highly likely that a sexual offence charge would be laid by police. Revocations for violations of conditional release conditions, so called “technicals” (drinking violations, failure to report, being in the presence of minors, being in the possession of legally obtained pornography) are insufficient to stand as Prior Sentencing Dates.

**RRASOR and STATIC-99 – Differences in Scoring**

Historical offences are scored differently between the RRASOR and the STATIC-99. On the RRASOR, if the offender is charged or convicted of historical offences committed prior to the Index Offence, these are counted as Prior Sexual Offences (User Report, The Development of a Brief Actuarial Risk Scale for Sexual Offense Recidivism 1997-04, Pg. 27, end of paragraph titled Prior Sexual Offences). This is not the case for the STATIC-99. For the STATIC-99, if the offender is charged or convicted of historical offences after the offender is charged or convicted of a more recent offence, these offences are to be considered part of the Index Offence (pseudo-recidivism) – forming an “Index Cluster.”

**Suspended Sentences**

Suspended sentences should be treated as equivalent to a charge and a conviction.

**Teachers**

Being transferred to a new school or being given an administrative posting away from the public with no formal sanction or being sent to graduate school for re-training would not count as a charge or conviction.

Where a teacher is transferred between schools due to allegations of sexual abuse but there is no explicit internal sanction; these moves would not count as charges or convictions.

**Item #6 Prior Sentencing Dates**

**The Basic Principle:** This item and the others that relate to criminal history and the measurement of persistence of criminal activity are based on a firm foundation in the behavioural literature. As long ago as 1911 Thorndyke stated that the “the best predictor of future behaviour, is past behaviour”. Andrews & Bonta (2003) state that having a criminal history is one of the “Big Four” predictors of future criminal behaviour. Prior Sentencing Dates is a convenient method of coding the length of the criminal record.

**Information Required to Score this Item:** To score this item you must have access to an official criminal record as compiled by police, court, or correctional authorities. Self-report of criminal convictions may not be used to score this item except in specific rare situations, please see sub-section “Self-report and the STATIC-99 in the Introduction section.

**The Basic Rule:** If the offender’s criminal record indicates four or more separate sentencing dates prior to the Index Offence, the offender is scored a “1” on this item. If the offender’s criminal record indicates three or fewer separate sentencing dates prior to the Index Offence, the offender scores a “0” on this item.

Count the number of distinct occasions on which the offender was sentenced for criminal offences. The number of charges/convictions does not matter, only the number of sentencing dates. Court appearances that resulted in complete acquittal are not counted, nor are convictions overturned over on appeal. The Index sentencing date is not included when counting up the sentencing dates.

If the offender is on some form of conditional release (parole/probation/bail etc.) “technical” violations do not count as new sentencing dates. For example, if an offender had a condition prohibiting drinking alcohol, a breach for this would not be counted as a new sentencing date. To be counted as a new sentencing date, the breach of conditions would have to be a new offence for which the offender could be charged if he were not already under criminal justice sanction.

Institutional rule violations do not count, even when the offence was for behaviour that could have resulted in a legal sanction if the offender had not already been incarcerated.

**Count:**

- Juvenile offences count (if you know about them – please see section on the use of self-report in the Introduction);
- Where applicable “Probation before judgment” counts as a conviction and a sentencing date;
- Where applicable “Consent Decree” counts as a conviction and a sentencing date; and
- Suspended Sentences count as a sentencing date.

**Do Not Count:**

- Stayed offences do not count as sentencing dates.
- Institutional Disciplinary Actions/Reports do not count as sentencing dates.

The offences must be of a minimum level of seriousness. The offences need not result in a serious sanction (the offender could have been fined), but the offence must be serious enough to permit a sentence of community supervision or custody/incarceration (as a juvenile or adult). Driving offences generally do not count, unless they are associated with serious penalties, such as driving while intoxicated or reckless driving causing death or injury.

Generally, most offences that would be recorded on an official criminal history would count – but the statute, as written in the jurisdiction where the offence took place, must allow for the imposition of a custodial sentence or a period of community supervision (adult or juvenile). Only truly trivial offences are excluded; those where it is impossible to get a period of incarceration or community supervision. Offences that can only result in fines do not count.

Sentences for historical offences received while the offender is incarcerated for a more recent offence (pseudo-recidivism), are not counted. For two offences to be considered separate offences, the second offence must have been committed after the offender was sanctioned for the first offence.

Offence convictions occurring after the Index offence cannot be counted on this item.

### **Conditional Discharges**

Where an offender has been charged with a sexual offence and receives a Conditional Discharge, for the purposes of the STATIC-99 a conditional discharge counts as a conviction and a sentencing date.

### **Diversionsary Adjudication**

If a person commits a criminal offence as a juvenile or as an adult and receives a diversionsary adjudication, this counts as a sentencing date (Restorative Justice, Reparations, Family Group Conferencing, Community Sentencing Circles).

### **Extension of Sentence by a Parole Board (or similar)**

If an offender is assigned extra time added to their sentence by a parole board for a criminal offence this counts as an additional sentencing date if the new time extended the total sentence. This would not count as a sentencing date if the additional time was to be served concurrently or if it only changed the parole eligibility date. This situation is presently not possible in Canada.

### **Failure to Appear**

If an offender fails to appear for sentencing, this is not counted as a sentencing date. Only the final sentencing for the charge for which the offender missed the sentencing date is counted as a sentencing date.

### **Failure to Register as a Sexual Offender**

If an offender receives a formal legal sanction, having been convicted of Failing to Register as a Sexual Offender, this conviction would count as a sentencing date. However, it should be noted that charges and convictions for Failure to Register as a Sexual Offender are not counted as sexual offences.

**Juvenile Extension of Detention**

In some states it is possible for a juvenile to be sentenced to a Detention/Treatment facility. At the end of that term of incarceration it is possible to extend the period of detention. Even though a Judge and a prosecutor are present at the proceedings, because there has been no new crime or charges/convictions, the extension of the original order is not considered a sentencing date.

**Juvenile Offences**

Both adult and juvenile convictions count in this item. In the case where a juvenile is not charged with a sexual or violent offence but is moved to a secure or more secure residential placement as the result of a sexual or violent incident, this counts as a sentencing date for the purposes of scoring Prior Sentencing Dates.

**Military**

If an “undesirable discharge” is given to a member of the military as the direct result of criminal behaviour (something that would have attracted a criminal charge were the offender not in the military), this would count as a sentencing date. However, if the member left the military when he normally would have and the “undesirable discharge” is the equivalent to a bad job reference then the criminal behaviour would not count as a Sentencing Date.

**Military Courts Martial**

If an offender is given a sanction (Military Brig or it's equivalent) for a criminal offence rather than a purely military offence {failure of duty} this counts as a sentencing date. Pure Military Offences {Insubordination, Not Following a Lawful Order, Dereliction of Duty, Conduct Unbecoming, etc.} do not count as Prior Sentencing Dates.

**Not Guilty**

Being found “Not Guilty” is not counted as a Prior Sentencing Date.

**Official Cautions – United Kingdom**

In the United Kingdom, an official caution should be treated as equivalent to a sentencing date.

**Post-Index Offences**

Post-Index offences are not counted as sentencing occasions for the STATIC-99.

**Revocation of Conditional Release for “Lifers,” Dangerous Offenders, and Others with Indeterminate Sentences**

If a “lifer,” Dangerous Offender, or other offender with an already imposed indeterminate sentence is simply revoked (returned to prison from conditional release in the community without trial) for criminal behaviour that is of sufficient gravity that a person not already involved with the criminal justice system would most likely be charged with a criminal offence, this revocation of conditional release would count as a Prior Sentencing Date. Note: the evaluator should be sure that were this offender not already under sanction that a criminal charge would be laid by police and that a conviction would be highly likely. Revocations for violations of

conditional release conditions, so called “technicals,” (drinking violations, failure to report, being in the presence of minors) are insufficient to stand as Prior Sentencing Dates.

Note: for this item there have been some changes to the rules from previous versions. Some rules were originally written to apply to a specific jurisdiction. Over time, and in consultation with other jurisdictions the rules have been generalized to make them applicable across jurisdictions in a way that preserves the original intent of the item.

**Suspended Sentences**

Suspended sentences count as a sentencing date.

**Item #7 Any Convictions for Non-Contact Sex Offences**

**The Basic Principle:** Offenders with paraphilic interests are at increased risk for sexual recidivism. For example, most individuals have little interest in exposing their genitals to strangers or stealing underwear. Offenders who engage in these types of behaviours are more likely to have problems conforming their sexual behaviour to conventional standards than offenders who have no interest in paraphilic activities.

**Information Required to Score this Item:** To score this item you must have access to an official criminal record as compiled by police, court, or correctional authorities. Self-report of criminal convictions may not be used to score this item except in specific rare situations, please see sub-section “Self-report and the STATIC-99” in the Introduction section.

**The Basic Rule:** If the offender’s criminal record indicates a separate conviction for a non-contact sexual offence, the offender is scored a “1” on this item. If the offender’s criminal record does not show a separate conviction for a non-contact sexual offence, the offender is scored a “0” on this item.

This category requires a conviction for a non-contact sexual offence such as:

- Exhibitionism;
- Possessing obscene material;
- Obscene telephone calls;
- Voyeurism;
- Exposure;
- Elicit sexual use of the Internet;
- Sexual Harassment (Unwanted sexual talk); and
- In certain jurisdictions “Criminal Trespass” or “Trespass by Night” may be used as a charge for voyeurism – these would also count.

The criteria for non-contact sexual offences are strict: the offender must have been convicted, and the offence must indicate non-contact sexual misbehaviour. The “Index” offence(s) may include a conviction for a non-contact sexual offence and this offence can count in this category. The most obvious example of this is where an offender is charged and convicted of Exposure for “mooning” a woman from a car window. This would result in a coding of “1” for this item.

There are some cases, however, where the legal charge does not reflect the sexual nature of the offence. Take, for example, the same situation where an offender is charged with Exposure for “mooning” a woman from a car window, but the case is pled-down to, and the offender is finally convicted of Disorderly Conduct. In cases like this, while this item requires that there be a conviction, the coding of a non-contact sexual offence can be based on the behaviour that occurred in cases where the name of the offence is ambiguous.

Charges and arrests do not count, nor do self-reported offences. Sexual offences in which the offender intended to make contact with the victim (but did not succeed) would be considered attempted contact offences and are coded as contact offences (e.g., invitation to sexual touching, attempted rape). Some offences may include elements of both contact and non-

contact offences, for example, sexual talk on Internet - arranging to meet the child victim. In this case, the conviction would count as a non-contact sex offence.

### **Attempted Contact Offences**

Invitation to Sexual Touching, Attempted Rape and other such “attempted” contact offences are counted as “Contact” offences due to their intention.

### **Internet Crimes**

Internet crimes were not recorded in the original samples for the STATIC-99 because the Internet had not advanced to the point where it was commonly available. As a result, determining how to score Internet crimes on the STATIC-99 requires interpretation beyond the available data. Internet crimes could be considered in two different ways. First, they could be considered a form of attempted sexual contact, where the wrongfulness of the behaviour is determined by what is about to happen. Secondly, they could be considered an inappropriate act in themselves, akin to indecent telephone calls (using an older technology). We believe that luring children over the Internet does not represent a fundamentally new type of crime but is best understood as a modern expression of traditional crimes. We consider communicating with children over the Internet for sexual purposes to be an inappropriate and socially harmful act in itself and, therefore, classify these acts with their historical precursors, such as indecent/obscene telephone calls, in the category of non-contact sexual offences.

### **Pimping and Prostitution Related Offences**

Pimping and other prostitution related offences (soliciting a prostitute, promoting prostitution, soliciting for the purposes of prostitution, living off the avails of prostitution) do not count as non-contact sexual offences. Note: prostitution was not illegal in England during the study period, though soliciting was.

### **Plea Bargains**

Non-contact sexual offence convictions do not count if the non-contact offence charge arose as the result of a plea bargain. Situations such as this may appear in the criminal record where charges for a contact offence are dropped and the non-contact charges appear simultaneously with a guilty plea. An occurrence of this nature would be considered a contact offence and scored as such.

### **Revocation of Conditional Release for “Lifers,” Dangerous Offenders, and Others with Indeterminate Sentences**

If a “lifer,” Dangerous Offender, or other offender with an already imposed indeterminate sentence is simply revoked (returned to prison from conditional release in the community without trial) for a Non-contact Sexual Offence that is of sufficient gravity that a person not already involved with the criminal justice system would most likely be charged with a Non-contact Sexual Offence, this revocation of conditional release would count as a conviction for a Non-contact Sexual Offence. Note: the evaluator should be sure that were this offender not already under sanction that it is highly likely that a non-contact sexual offence charge would be laid by police.

**Items 8, 9, 10 – The Three Victim Questions**

The following three items concern victim characteristics: Unrelated Victims, Stranger Victims, and Male Victims. For these three items the scoring is based on all available credible information, including self-report, victim accounts, and collateral contacts. The items concerning victim characteristics, however, only apply to sex offences in which the victims were children or non-consenting adults (Category “A” sex offences). Do not score victim information from non-sexual offences or from sex offences related to prostitution/pandering, possession of child pornography, and public sex with consenting adults (Category “B” sex offences). Do not score victim information on sexual offences against animals (Bestiality and similar charges).

In addition to all of the “everyday” sexual offences (Sexual Assault, Rape, Invitation to Sexual Touching, Buggery) you also score victim information on the following charges:

- Illegal use of a Minor in Nudity-oriented Material/Performance;
- Importuning (Soliciting for Immoral Purposes);
- Indecent Exposure (When a specific victim has been identified);
- Sexually Harassing Telephone Calls; and
- Voyeurism (When a specific victim has been identified).

**You do not score victim information on the following charges:**

- Compelling Acceptance of Objectionable Material;
- Deception to Obtain Matter Harmful to Juveniles;
- Disseminating/Displaying Matter Harmful to Juveniles;
- Offences against animals;
- Pandering Obscenity;
- Pandering Obscenity involving a Minor;
- Pandering Sexually-Oriented Material involving a Minor; and
- Prostitution related offences.

**Accidental Victims**

Occasionally there are “Accidental Victims” to a sexual offence. A recent example of this occurred when an offender was raping a woman in her living room. The noise awoke the victim’s four-year-old son. The son wandered into the living room and observed the rape in progress. The victim instructed her son to return to his bedroom and he complied at once. The perpetrator was subsequently charged and convicted of “Lewd and Lascivious Act on a Minor” in addition to the rape. In court the offender pleaded to both charges. In this case, the four-year-old boy would not count as a victim as there was no intention to commit a sexual offence against him. He would not count in any of the three victim items regardless of the conviction in court.

A common example of an accidental victim occurs when a person in the course of his/her daily life or profession happens across a sexual offence. Examples include police officers, park wardens, janitors, and floor walkers who observe a sexual offence in the course of their duties.

If a male officer were to observe an exhibitionist exposing himself to a female, the offender would not be given the point for “Male Victim” as there was no intention to expose before the male officer. The evaluator would not give the offender a point for “male victim” unless the offender specifically chose a male officer to expose himself to. In the same vein, a floor walker or janitor who observes an offender masturbating while looking at a customer in a store would not be counted as a “stranger victim” or an “unrelated victim”. In short there has to be some intention to offend against that person for that person to be a victim. Merely stumbling upon a crime scene does not make the observer a victim regardless of how repugnant the observer finds the behaviour.

### **Acquitted or Found Not Guilty**

The criteria for coding victim information are “all credible information”. In this type of situation it is important to distinguish between the court’s stringent standard of determining guilt (Beyond a reasonable doubt) and “What is most likely to be true” – a balance of probabilities. When the court sticks to the “Beyond a reasonable doubt” criteria they are not concluding that someone did not do the crime, just that the evidence was insufficient to be certain that they did it. The risk assessment perspective is guided by: “On the balance of probabilities, what is most likely to be true?” If the assessor, “On the balance of probabilities” feels that the offence more likely than not took place the victims may be counted.

For the assessment, therefore, it may be necessary to review the cases in which the offender was acquitted or found “Not Guilty” and make an independent determination of whether it is more likely than not that there were actual victims. If, in the evaluator’s opinion, it were more likely that there was no sexual offence the evaluator would not count the victim information. In the resulting report the evaluator would generally include a score with the contentious victim information included and a score without this victim information included, showing how it effects the risk assessment both ways.

This decision to score acquittals and not guilty in this manner is buttressed by a research study in England that found that men acquitted of rape are more likely to be convicted of sexual offences in the follow-up period than men who had been found guilty {with equal times at risk} (Soothill et al., 1980).

### **Child Pornography**

Victims portrayed in child pornography are not scored as victims for the purposes of the STATIC-99. They do not count as non-familial, stranger, nor male victims. Only real, live, human victims count. If your offender is a child pornography maker and a real live child was used to create pornography by your offender or your offender was present when pornography was created with a real live child, this child is a victim and should be scored as such on the STATIC-99 victim questions. (Note: manipulating preexisting images to make child pornography [either digitally or photographically] is not sufficient – a real child must be present) Making child pornography with a real child victim counts as a “Category A” offence and, hence, with even a single charge of this nature, the STATIC-99 is appropriate to use. The evaluator may, of course, in another section of the report make reference to the apparent preferences demonstrated in the pornography belonging to the offender.

**Conviction, But No Victim**

For the purposes of the STATIC-99, consensual sexual behaviour that is prohibited by statute does not create victims. This is the thinking behind Category “B” offences. Examples of this are prostitution offences and public toileting (Please see “Category “A” and Category “B” offences” in the Introduction section for a further discussion of this issue). Under some circumstances it is possible that in spite of a conviction for a sexual offence the evaluator may conclude that there are no real victims. An example of this could be where a boy (age 16 years) is convicted of Statutory Rape of his 15-year-old boyfriend (Assume age of consent in this jurisdiction to be 16 years of age). The younger boy tells the police that the sexual contact was consensual and the police report informs the evaluator that outraged parents were the complainants in the case. In a scenario like this, the younger boy would not be scored as a victim, the conviction notwithstanding.

**Credible Information**

Credible sources of information would include, but are not limited to, police reports, child welfare reports, victim impact statements or discussions with victims, collateral contacts and offender self-report. If the information is credible (Children’s Protective Association, victim impact statements, police reports) you may use this information to code the three victim questions, even if the offender has never been arrested or charged for those offences.

**Exhibitionism**

In cases of exhibitionism, the three victim items may be scored if there was a targeted victim, and the evaluator is confident that they know before whom the offender was trying to exhibit. If the offender exhibits before a mixed group, males and females, do not score “Male Victim” unless there is reason to believe that the offender was exhibiting specifically for the males in the group. Assume only female victims unless you have evidence to suggest that the offender was targeting males.

Example: If a man exposed to a school bus of children he had never seen before (both genders), the evaluator would score this offender one risk point for Unrelated Victim, one risk point for Stranger Victim, but would not score a risk point for Male Victim unless there was evidence the offender was specifically targeting the boys on the bus.

In cases where there is no sexual context (i.e., the psychotic street person who takes a shower in the town fountain) there are no victims regardless of how offended they might be or how many people witnessed the event.

**Internet Victims and Intention**

If an offender provides pornographic material over the Internet, the intent of the communication is important. In reality a policeman may be on the other end of the net in a “sting” operation. If the offender thought he was providing pornography to a child, even though he sent it to a police officer, the victim information is counted as if a child received it. In addition, when offenders attempt, over the Internet, to contact face-to-face a “boy or girl” they have contacted over the Internet the victim information counts as the intended victim, even if they only “met” a policeman. Intention is important. In a case where a child was pretending to be an adult and an

adult “shared” pornography with that person in the honest belief that they were (legally) sharing it with another adult there would not be a victim.

### **Polygraph Information**

Victim information derived solely from polygraph examinations is not used to score the STATIC-99 unless it can be corroborated by outside sources or the offender provides sufficient information to support a new criminal investigation.

### **Prowl by Night - Voyeurism**

For these types of offences the evaluator should score specific identifiable victims. However, assume only female victims unless you have evidence to suggest that the offender was targeting males.

### **Sexual Offences Against Animals**

While the sexual assault of animals counts as a sexual offence, animals do not count as victims. This category is restricted to human victims. It makes no difference whether the animal was a member of the family or whether it was a male animal or a stranger animal.

### **Sex with Dead Bodies**

If an offender has sexual contact with dead bodies these people do count as victims. The evaluator should score the three victim questions based upon the degree of pre-death relationship between the perpetrator and the victim.

### **Stayed Charges**

Victim information obtained from stayed charges should be counted.

### **Victims Not at Home**

If an offender breaks into houses, (regardless of whether or not the victims are there to witness the offence) to commit a sexual offence, such as masturbating on or stealing their undergarments or does some other sexual offence – victims of this nature are considered victims for the purposes of the STATIC-99. Assume only female victims unless you have evidence to suggest that the offender was targeting males.

### **Item #8 Any Unrelated Victims?**

**The Basic Principle:** Research indicates that offenders who offend only against family members recidivate at a lower rate compared to those who have victims outside of their immediate family (Harris & Hanson, Unpublished manuscript). Having victims outside the immediate family is empirically related to a corresponding increase in risk.

**Information Required to Score this Item:** To score this item use all available credible information. “Credible Information” is defined in the previous section “Items #8, #9, & #10 -The Three Victim Questions.”

**The Basic Rule:** If the offender has victims of sexual offences outside their immediate family, score the offender a “1” on this item. If the offender’s victims of sexual offences are all within the immediate family score the offender a “0” on this item.

A related victim is one where the relationship is sufficiently close that marriage would normally be prohibited, such as parent, brother, sister, uncle, grandparent, stepbrother, and stepsister. Spouses (married and common-law) are also considered related. When considering whether step-relations are related or not, consider the nature and the length of the pre-existing relationship between the offender and the victim before the offending started. Step-relationships lasting less than two years would be considered unrelated (e.g., step-cousins, stepchildren). Adult stepchildren would be considered related if they had lived for two years in a child-parent relationship with the offender.

### **Time and Jurisdiction Concerns**

A difficulty in scoring this item is that the law concerning who you can marry is different across jurisdictions and across time periods within jurisdictions. For example, prior to 1998, in Ontario, there were 17 relations a man could not marry, including such oddities as “nephew’s wife” and “wife’s grandmother”. In 1998 the law changed and there are now only 5 categories of people that you cannot marry in Ontario: grandmother, mother, daughter, sister, and granddaughter (full, half, and adopted). Hence, if a man assaulted his niece in 1997 he would not have an unrelated victim but if he committed the same crime in 1998 he would technically be assaulting an unrelated victim. We doubt very much the change in law would affect the man’s choice of victim and his resulting risk of re-offence. As a result the following rules have been adopted

### **People who are seen as related for STATIC-99 scoring**

- Legally married spouses;
- Any live-in lovers of over two years duration. (Girlfriends/Boyfriends become related once they have lived with the offender as a lover for two years);
- Anyone too closely related to marry (by jurisdiction of residence of the perpetrator);
- The following relations whether or not marriage is permitted in the jurisdiction of residence of the perpetrator
  - Aunt
  - Brother’s wife
  - Common-law wife/Ex common-law wife (lived together for 2 years)
  - Daughter
  - Father’s wife/step-mother
  - First cousins
  - Granddaughter
  - Grandfather
  - Grandfather’s wife
  - Grandmother
  - Grandson’s wife

- Mother
- Niece/Nephew
- Sister
- Son’s wife
- Stepdaughter/Stepson (Must have more than two years living together before abuse begins)
- Wife and Ex-wife
- Wife’s daughter/step-daughter
- Wife’s granddaughter
- Wife’s grandmother
- Wife’s mother.

The relationships can be full, half, adopted, or common-law (two years living in these family relationships). The mirror relationships of the opposite gender would also count as related (e.g., brother, sons, nephews, granddaughter’s husband).

#### **People who are seen as unrelated for STATIC-99 scoring**

- Any step-relations where the relationship lasted less than two years;
- Daughter of live-in girlfriend/Son of live-in girlfriend; (less than two years living together before abuse begins);
- Nephew’s wife;
- Second cousins; and
- Wife’s aunt.

Decisions about borderline cases (e.g., brother’s wife) should be guided by a consideration of the psychological relationship existing prior to the sexual assault. If an offender has been living with the victim in a family/paternal/fraternal role for two years prior to the onset of abuse, the victim and the offender would be considered related.

#### **Becoming “Unrelated”**

If an offender who was given up for adoption (removed etc.) at birth (Mother and child having no contact since birth or shortly after) and the Mother (Sister, Brother etc.) is a complete stranger that the offender would not recognize (facial recognition) as their family, these biological family members could count as Unrelated Victims. This would only happen if the offender did not know they were offending against a family member.

**Item #9 Any Stranger Victims?**

**The Basic Principle:** Research shows that having a stranger victim is related to sexual recidivism. See Hanson and Bussière (1998), Table 1 – Item “Victim Stranger (versus acquaintance)”.

**Information Required to Score this Item:** Use all credible information to score this item. “Credible Information” is defined in the section “Items #8, #9, & #10 - The Three Victim Questions”.

**The Basic Rule:** If the offender has victims of sexual offences who were strangers at the time of the offence, score the offender a “1” on this item. If the offender’s victims of sexual offences were all known to the offender for at least 24 hours prior to the offence, score the offender a “0” on this item. If the offender has a “stranger” victim, Item #8, “Any Unrelated Victims”, is generally scored as well.

A victim is considered a stranger if the victim did not know the offender 24 hours before the offence. Victims contacted over the Internet are not normally considered strangers unless a meeting was planned for a time less than 24 hours after initial communication.

For Stranger victims, the offender can either not know the victim or it can be the victim not knowing the offender. In the first case, where the offender does not know the victim, (the most common case), the offender chooses someone who they are relatively sure will not be able to identify them (or they just do not care) and offends against a stranger. However, there have been examples where the offender “should” have known the victim but just did not recognize them. This occurred in one case where the perpetrator and the victim had gone to school together but the perpetrator did not recognize the victim as someone they knew. In cases like this, the victim would still be a stranger victim as the offender’s intention was to attack a stranger.

The criteria for being a stranger are very high. Even a slight degree of knowing is enough for a victim not to be a stranger. If the victim knows the offender at all for more than 24 hours, the victim is not a stranger. For example, if the victim was a convenience store clerk and they recognized the perpetrator as someone who had been in on several occasions to buy cigarettes, the victim would no longer be a stranger victim. If a child victim can say they recognize the offender from around the neighborhood and the perpetrator has said “Hi” to them on occasion, the child is no longer a stranger victim. The evaluator must determine whether the victim “knew” the offender twenty-four hours (24) before the assault took place. The criteria for “know/knew” is quite low but does involve some level of interaction. They need not know each other’s names or addresses. However, simply knowing of someone but never having interacted with them would not be enough for the victim to count as “known”.

**The Reverse Case**

In cases of “stalking” or stalking-like behaviours the offender may know a great deal about the victim and their habits. However, if the victim does not know the offender when they attack this still qualifies as a stranger victim.

The “24 hour” rule also works in reverse – there have been cases where a performer assaulted a fan the first time they met. In this case, the victim (the fan) had “known of” the performer for years, but the performer (the perpetrator) had not known the fan for 24 hours. Hence, in cases such as this, the victim would count as a stranger because the perpetrator had not known the victim for 24 hours prior to the offence.

### **Internet, E-mail, and Telephone**

Sometimes offenders attempt to access or lure victims over the Internet. This is a special case and the threshold for not being a stranger victim is quite low. If the offender and the victim have communicated over the Internet (e-mail, or telephone) for more than twenty-four hours (24 hours) before the initial face-to-face meeting, the victim (child or adult) is not a stranger victim. =To be clear, this means that if an offender contacts, for the first time, a victim at 8 p.m. on a Wednesday night, their first face-to-face meeting must start before 8 p.m. on Thursday night. If this meeting starts before 8 p.m., and they remain in direct contact, the sexual assault might not start until midnight – as long as the sexual assault is still within the first face-to-face meeting – this midnight sexual assault would still count as a stranger assault. = If they chat back and forth for longer than 24 hours, the victim can no longer be considered a stranger victim for the purposes of scoring the STATIC-99.

It is possible in certain jurisdictions to perpetrate a sexual offence over the Internet, by telephone or e-mail and never be in physical proximity to the victim. If the offender transmits sexually explicit/objectionable materials over the Internet within 24 hours of first contact, this can count as a stranger victim; once again the “24 hour rule” applies. However, if the perpetrator and the victim have been in communication for more than 24 hours prior to the sending of the indecent material or the starting of indecent talk on the telephone then the victim can no longer be considered a stranger.

### **Becoming a “Stranger” Again**

It is possible for someone who the offender had met briefly before to become a stranger again. It is possible for the offender to have met a victim but to have forgotten the victim completely (over a period of years). If the offender believed he was assaulting a stranger, the victim can be counted as a stranger victim. This occurred when an offender returned after many years absence to his small hometown and assaulted a female he thought he did not know, not realizing that they had gone to the same school.

**Item #10 Any Male Victims?**

**The Basic Principle:** Research shows that offenders who have offended against male children or male adults recidivate at a higher rate compared to those who do not have male victims. Having male victims is correlated with measures of sexual deviance and is seen as an indication of increased sexual deviance; see Hanson and Bussière (1998), Table 1.

**Information Required to Score this Item:** To score this item use all available credible information. “Credible Information” is defined in section “Items #8, #9, & #10 - The Three Victim Questions”.

**The Basic Rule:** If the offender has male victims of sexual offences, non-consenting adults or child victims, score the offender a “1” on this item. If the offender’s victims of sexual offences are all female, score the offender a “0” on this item.

Included in this category are all sexual offences involving male victims. Possession of child pornography involving boys, however, does not count. Exhibitionism to a mixed group of children (girls and boys) would not count unless there was clear evidence the offender was targeting the boys. Contacting male victims over the Internet does count.

If an offender assaults a transvestite in the mistaken belief the victim is a female (may be wearing female clothing) do not score the transvestite as a male victim. If it is certain the offender knew he was assaulting a male before the assault, score a male victim.

In some cases a sexual offender may beat-up or contain (lock in a car trunk) another male in order to sexually assault the male’s date (wife, etc.). If the perpetrator simply assaults the male (non-sexual) in order to access the female you do not count him as a male victim on the STATIC-99. However, if the perpetrator involves the male in the sexual offence, such as tying him up and making him watch the rape (forced voyeuristic activity), the assault upon the male victim would count as a sexual offence and the male victim would count on the STATIC-99.

## Scoring the STATIC-99 and Computing the Risk Estimates

Using the STATIC-99 Coding Form (Appendix 5) sum all individual item scores for a total risk score based upon the ten items. This total score can range from “0” to “12.”

Scores of 6 and greater are all considered high risk and treated alike.

Once you have computed the total raw score refer to the table titled STATIC-99 Recidivism Percentages by Risk Level (Appendix 6).

Here you will find recidivism risk estimates for both sexual and violent recidivism over 5, 10, and 15-year projections. In the left-most column find the offender’s raw STATIC-99 risk score. Remember that scores of 6 and above are read off the “6” line, high risk.

For example, if an offender scored a “4” on the STATIC-99 we would read across the table and find that this estimate is based upon a sample size of 190 offenders which comprised 18 percent of the original sample. Reading further, an offender with a score of “4” on the STATIC-99 is estimated as having a 26 percent chance of sexual reconviction in the first five years of liberty, a 31 percent chance of sexual reconviction over 10 years of freedom, and a 36 percent chance of sexual reconviction over 15 years in the community.

For violent recidivism we would estimate that an offender that scores a “4” on the STATIC-99 would have a 36 percent chance of reconviction for a violent offence over 5 years, a 44 percent chance of reconviction for a violent offence over 10 years, and a 52 percent chance of reconviction for a violent offence over a 15 year period. It is important to remember that sexual recidivism is included in the estimates of violent recidivism. You do not add these two estimates together to create an estimate of violent and sexual recidivism. The estimates of violent recidivism include incidents of sexual recidivism.

STATIC-99 risk scores may also be communicated as nominal risk categories using the following guidelines. Raw STATIC-99 scores of “0” and “1” should be reported as “Low Risk,” scores of “2” and “3” reported as “Moderate-Low Risk, ” scores of “4” and “5” reported as “Moderate-High Risk, ” and scores of “6” and above as “High Risk.”

Having determined the estimated risk of sexual and violent recidivism we suggest that you review the associated appendix, which is a suggested template for communicating STATIC-99 risk information in a report format.

## Appendix 9-F.1: STATIC-99, Adjustments in Risk

In general, the expected sexual offence recidivism rate should be reduced by about half if the offender has five to ten years of offence-free behaviour in the community. The longer the offender has been offence-free, post-Index, the lower the expected recidivism rate. It is not known what the expected rates of sexual re-offence should be if the offender has recidivated post-Index with a non-sexual offence. Presently, no research exists shedding light on this issue. Arguments could be made that risk scores should be increased (further criminal activity), decreased (he has still not committed another sexual offence in the community) or remain the same. We suspect that an offender who remains criminally active will maintain the same risk for sexual recidivism.

Adjusted crime-free rates only apply to offenders who have been without a new sexual or violent offence. Criminal misbehaviour such as threats, robberies, and assaults void any credit the offender may have for remaining free of additional sexual offences. For these purposes, an offender could, theoretically, commit minor property offences and still remain offence-free.

The recidivism rate estimates reported in Hanson & Thornton (2000) are based on the offender's risk for recidivism at the time they were released into the community after serving time for a sexual offence (Index offence). As offenders successfully live in the community without incurring new offences, their recidivism risk declines. The following table provides reconviction rates for new sexual offences for the three STATIC-99 samples where survival data were available (Millbrook, Pinel, HM Prison), based on offence-free time in the community. "Offence-free" means no new sexual or violent convictions, nor a non-violent conviction that would have resulted in more than minimal jail time (1-2 months).

The precise amount of jail time for non-violent recidivism was not recorded in the data sets, but substantial periods of jail time would invalidate the total time at risk. We do not recommend attempting to adjust the survival data given below by subtracting "time in prison for non-violent offences" from the total time elapsed since release from Index sexual offence.

For example, if offender "A" has been out for five years on parole got 60 days in jail for violating a no-drinking condition of parole the adjusted estimates would most likely still apply. However, if offender "B" also out on parole for five years got 18 months for Driving While Under the Influence these adjustments for time at risk would not be valid.

Adjusted risk estimates for time free would apply to offenders that are returned to custody for technical violations such as drinking or failing to register as a sexual offender.

Table for Adjustments in Risk Based on Time Free

STATIC-99 Risk Level at original assessment	Years offence-free in community					
	0	2	4	6	8	10
<b>Recidivism rates – Sex Offence Convictions %</b>						
<b>0-1 (n = 259)</b>						
5 year	5.7	4.6	4.0	2.0	1.4	1.4
10 year	8.9	6.4	4.6	3.3	3.2	(5.8)
15 year	10.1	8.7	9.5	7.7	(6.5)	
<b>2-3 (n = 412)</b>						
5 year	10.2	6.8	4.4	3.1	5.5	5.3
10 year	13.8	11.1	9.1	8.1	8.2	8.4
15 year	17.7	14.5	13.6	13.9	(18.7)	
<b>4-5 (n = 291)</b>						
5 year	28.9	14.5	8.0	6.9	7.6	6.8
10 year	33.3	21.4	13.7	11.5	(13.1)	(11.5)
15 year	37.6	22.8	(18.7)			
<b>6+ (n = 129)</b>						
5 year	38.8	25.8	13.1	7.0	9.4	13.2
10 year	44.9	30.3	23.7	16.0	(17.8)	(17.8)
15 year	52.1	37.4	(27.5)			

**Note:** The total sample was 1,091. The number of cases available for each analysis decreases as the follow-up time increases and offenders recidivate. Values in parentheses were based on less than 30 cases and should be interpreted with caution.

## Appendix 9-F.2: STATIC-99, Self-Test

**1. Question:** In 1990, Mr. Smith is convicted of molesting his two stepdaughters. The sexual abuse occurred between 1985 and 1989. While on conditional release in 1995, Mr. Smith is reconvicted for a sexual offence. The offence related to the abuse of a child that occurred in 1980. Which conviction is the Index offence?

**Answer:** The 1990 and 1995 convictions would both be considered part of the Index offence. Neither would be counted as a prior sexual offence. The 1995 conviction is pseudo-recidivism because the offender did not re-offend after being charged with the 1990 offence.

**2. Question:** In April 1996, Mr. Jones is charged with sexual assault for an incident that occurred in January 1996. He is released on bail and re-offends in July 1996, but this offence is not detected until October 1996. Meanwhile, he is convicted in September 1996, for the January 1996 incident. The October 1996 charge does not proceed to court because the offender is already serving time for the September 1996 conviction. You are doing the evaluation in November. What is the Index Offence?

**Answer:** The October 1996 charge is the Index offence because the offence occurred after Mr. Jones was charged for the previous offence. The Index sexual offence need not result in a conviction.

**3. Question:** In January 1997, Mr. Dixon moves in with Ms. Trembley after dating since March 1996. In September 1999, Mr. Dixon is arrested for molesting Ms. Trembley's daughter from a previous relationship. The sexual abuse began in July 1998. Is the victim related?

**Answer:** No, the victim would not be considered related because when the abuse began, Mr. Dixon had not lived for two years in a parental role with the victim.

**4. Question:** At age 15, Mr. Miller was sent to a residential treatment centre after it was discovered he had been engaging in sexual intercourse with his 12-year-old stepsister. Soon after arriving, Mr. Miller sexually assaulted a fellow resident. He was then sent to a secure facility that specialized in the treatment of sexual offenders. Charges were not laid in either case. At age 24, Mr. Miller sexually assaults a cousin and is convicted shortly thereafter. Mr. Miller has how many prior sexual offences?

**Answer:** For Item #5, Prior Sexual Offences, score this as 2 prior charges and 2 prior convictions. Although Mr. Miller has no prior convictions for sexual offences, there are official records indicating he has engaged in sexual offences as an adolescent that resulted in custodial sanctions on two separate occasions. The Index offence at age 24 is not counted as a prior sexual offence.

**5. Question:** Mr. Smith was returned to prison in July 1992 for violating several conditions of parole including child molestation, lewd act with a child and contributing to the delinquency of a minor. Once back in prison he sexually assaulted another prisoner. Mr. Smith has now been found guilty of the sexual assault and the judge has asked you to contribute to a pre-sentence report. How many Prior Sexual Offence (Item #5) points would Mr. Smith receive for his parole violations?

**Answer:** 1 charge and no convictions. Probation, parole and conditional release violations for sexual misbehaviours are counted as one charge, even when there are violations of multiple conditions of release.

**6. Question:** Mr. Moffit was charged with child molestation in April 1987 and absconded before he was arrested. Mr. Moffit knew the police were coming to get him when he left. He traveled to another jurisdiction where he was arrested and convicted of child molesting in December 1992. He served 2 years in prison and was released in 1994. He was apprehended, arrested and convicted in January of 1996 for the original charges of Child Molestation he received in April 1987. Which offence is the Index offence?

**Answer:** The most recent offence date, December 1992 becomes the Index offence. In this case, the offence dates should be put back in chronological order given that he was detected and continued to offend. The April, 1987 charges and subsequent conviction in January of 1996 become a prior sexual offence.

**7. Question:** While on parole, Mr. Jones, who has an extensive history of child molestation, was found at the county fair with an 8 year-old male child. He had met the child's mother the night before and volunteered to take the child to the fair. Mr. Jones was in violation of his parole and he was returned to prison. He subsequently got out of prison and six months later re-offended. You are tasked with the pre-sentence report. Do you count the above parole violation as a prior sex offence charge?

**Answer:** No. Being in the presence of children is not counted as a charge for prior sex offences unless an offence is imminent. In this case, Mr. Jones was in a public place with the child among many adults. An incident of this nature exhibits "high-risk" behaviour, but is not sufficient for a charge of a sex offence.

### Appendix 9-F.3: STATIC-99, References

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### **Appendix 9-F.4: STATIC-99, Surgical Castration**

Surgical castration or orchidectomy is the removal of the testicles. In most cases this is done for medical reasons but in sex offenders may be done for the reduction of sexual drive.

Orchidectomy was practiced in Nazi Germany and in post-war Europe in sufficient numbers that several studies have been conducted on the recidivism rates of those who have undergone the operation. In general, the post-operative recidivism rates are low, but not zero (2% - 5%). In addition, the subjects in the European samples tended to be older men and this data may not generalize well to ordinary sex offender samples. The recidivism rates reported, however, are lower than expected base rates. This may suggest that there is some protective effect from castration.

However, this effect can be reversed. There have been a number of case studies where a castrated individual has obtained steroids, reversed the effects of the operation, and gone on to re-offend.

In terms of overall risk assessment, if an individual has undergone surgical castration it is worth consideration but this is not an overriding factor in risk assessment. In particular, an evaluator must consider the extent to which sex drive contributes to the offence pattern and whether the offender has the motivation and intellectual resources to maintain a low androgen lifestyle in the face of potentially serious side effects (e.g., bone loss, weight gain, breast growth).

**Appendix 9-F.5: STATIC-99, Coding Form**

Question Number	Risk Factor	Codes	Score
1	Young (S9909)	Aged 25 or older Aged 18 – 24.99	0 1
2	Ever Lived With (S9910)	Ever lived with lover for at least two years? Yes No	0 1
3	Index non-sexual violence -Any Convictions (S9904)	No Yes	0 1
4	Prior non-sexual violence Any Convictions (S9905)	No Yes	0 1
5	Prior Sex Offences (S9901)	Charges Convictions None None 1-2 1 3-5 2-3 6+ 4+	0 1 2 3
6	Prior sentencing dates (excluding index) (S9902)	3 or less 4 or more	0 1
7	Any convictions for non-contact sex offences (S9903)	No Yes	0 1
8	Any Unrelated Victims (S9906)	No Yes	0 1
9	Any Stranger Victims (S9907)	No Yes	0 1
10	Any Male Victims (S9908)	No Yes	0 1
	<b>Total Score</b>	<b>Add up scores from individual risk factors</b>	

**Translating STATIC-99 Scores into Risk Categories**

Score Label for Risk Category

0,1 Low

2,3 Moderate-Low

4,5 Moderate-High

6 plus High

**Appendix 9-F.6: STATIC-99, Recidivism Percentages by Risk Level**

Static-99 score	sample size	<u>sexual recidivism</u>			<u>violent recidivism</u>		
		5 yrs	10 yrs	15 yrs	5 yrs	10 yrs	15 yrs
0	107 (10%)	.05	.11	.13	.06	.12	.15
1	150 (14%)	.06	.07	.07	.11	.17	.18
2	204 (19%)	.09	.13	.16	.17	.25	.30
3	206 (19%)	.12	.14	.19	.22	.27	.34
4	190 (18%)	.26	.31	.36	.36	.44	.52
5	100 (9%)	.33	.38	.40	.42	.48	.52
6 +	129 (12%)	.39	.45	.52	.44	.51	.59
Average							
3.2	1086 (100%)	.18	.22	.26	.25	.32	.37

## Appendix 9-F.7: STATIC-99, Communicating Risk Information

The STATIC-99 is an instrument designed to assist in the prediction of sexual and violent recidivism for sexual offenders. This risk assessment instrument was developed by Hanson and Thornton (1999) based on follow-up studies from Canada and the United Kingdom with a total sample size of 1,301 sexual offenders. The STATIC-99 consists of 10 items and produces estimates of future risk based upon the number of risk factors present in any one individual. The risk factors included in the risk assessment instrument are the presence of prior sexual offences, having committed a current non-sexual violent offence, having a history of non-sexual violence, the number of previous sentencing dates, age less than 25 years old, having male victims, having never lived with a lover for two continuous years, having a history of non-contact sex offences, having unrelated victims, and having stranger victims.

The recidivism estimates provided by the STATIC-99 are group estimates based upon reconvictions and were derived from groups of individuals with these characteristics. As such, these estimates do not directly correspond to the recidivism risk of an individual offender. The offender's risk may be higher or lower than the probabilities estimated in the STATIC-99 depending on other risk factors not measured by this instrument. This instrument should not be used with Young Offenders (those less than 18 years of age) or women.

Mr. X scored a ?? on this risk assessment instrument. Individuals with these characteristics, on average, sexually reoffend at ?? percent over five years and at ?? percent over 10 years. The rate for any violent recidivism (including sexual) for individuals with these characteristics is, on average, ?? percent over five years and ?? percent over ten years. Based upon the STATIC-99 score, this places Mr. X in the Low, [score of 0 or 1](between the 1<sup>st</sup> and the 23<sup>rd</sup> percentile); Moderate-Low, [score of 2 or 3] (between the 24<sup>th</sup> and the 61<sup>st</sup> percentile); Moderate-High, [score of 4 or 5] (between the 62<sup>nd</sup> and the 88<sup>th</sup> percentile); High, [score of 6 plus](in the top 12%) risk category relative to other adult male sex offenders.

Based on a review of other risk factors in this case I believe that this STATIC-99 score (Over/Under/Fairly) represents Mr. X's risk at this time. The other risk factors considered that lead me to this conclusion were the following: {Stable Variables: Intimacy Deficits, Social Influences, Attitudes Supportive of Sexual Assault, Sexual Self-Regulation, and General Self-Regulation; Acute Variables: Substance Abuse, Negative Mood, Anger/Hostility, Opportunities for Victim Access - Taken from the SONAR\*}, (Hanson & Harris, 2001). Both the STATIC-99 and the SONAR 2000 are available from the Solicitor General Canada's website, [www.sgc.gc.ca](http://www.sgc.gc.ca).

Note: This list is not intended to be definitive. Evaluators may want to include other static or dynamic variables in their evaluations.

Hanson, R. K., & Harris, A. J. R. (2001). A structured approach to evaluating change among sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 13(2), 105-122. [Evaluator – these paragraphs are available electronically by e-mailing Andrew Harris, [harrisa@sgc.gc.ca](mailto:harrisa@sgc.gc.ca) and requesting the electronic file – Standard STATIC-99 Paragraphs].

### Appendix 9-F.8: STATIC-99, Inter-rater Reliability

Reliability is the extent to which the same individual receives the same score on different assessments. Inter-rater reliability is the extent to which different raters independently assign the same score to the same individual at a given point in time.

These independent studies utilized different methods of calculating inter-rater reliability. The Kappa statistic provides a correction for the degree of agreement expected by chance. Percent agreement is calculated by dividing the agreements (where both raters score "0" or both raters score "1") by the total number in the item sample. Pearson correlations compare the relative rankings between raters. Intra-class correlations compare absolute values between raters.

The conclusion to be drawn from this data is that raters would rarely disagree by more than one point on a STATIC-99 score.

Summary of Inter-rater Reliability			
Study	N of cases double coded	Method of reliability calculation	Reliability
Barbaree et al.	30	Pearson correlations between total scores	.90
Hanson (2001)	55	Average Item Percent Agreement	.91
	55	Average Item Kappa	.80
	55	Intra-class correlation for total scores	.87
Harris et al.	10	Pearson correlations between total scores	.96

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**STATIC-99 Replications**

Authors	Country	Sample	n	Reported ROC
Hanson & Thornton (2000)	Canada & the UK Prison Males 1,301 These are the original samples for the Static-99 Prison Males			.71
Barbaree et al., (2001)	Canada	Prison Males	215	.70
Beech et al., (2002)	England	Community	53	.73
Hanson (2002) Unpublished	Canada	Community	202	.59
Harris et al., (Submitted)	Canada	Forensic Mental Health Patients	396	.62
Hood et al., (2002)	England	HM Prison Males	162	.77
McGrath et al., (2000)	United States	Prison Males	191	.74
Motiuk (1995)	Canada	Prison Males	229	.77
Nicholaichuk (2001)	Canada	Aboriginal Males	109	.67
Nunes et al., (2002)	Canada	Community Pre-trial	258	.70
Poole et al., (2001)	United States	Juv. sex offenders released after age 18	45	.95
Reddon et al., (1995)	Canada	Prison Males	355	.76
Sjöstedt & Långström (2001)	Sweden	All released male offenders (1993-1997)	1,400	.76
Song & Lieb (1995)	United States	Community	490	.59
Thornton (2000a)	England	Prison Males	193	.89
Thornton (2000b)	England	Prison Males	110	.85
Tough (2001)	Canada	Developmentally Delayed Males	76	.60
Wilson et al., (2001)	Canada	Detained High-Risk Offenders	30	.61
		<b>TOTAL</b>	<b>4,514</b>	<b>MEAN = 72.4</b>

### Appendix 9-F.11: STATIC-99, Interpreting Scores

In the original Hanson and Thornton (1999, 2000) study, all offenders with scores of 6 or more were grouped together as “high risk” because there were insufficient cases to provide reliable estimates for offenders with higher scores. Consequently, some evaluators have wondered how to interpret scores for offenders with scores greater than 6. We believe that there is insufficient evidence to conclude that offenders with scores greater than 6 are higher risk to re-offend than those who have a score of 6. However, as an offender’s score increases, there is increased confidence that he is indeed a member of the high-risk group.

Below are the sexual and violent recidivism rates for the offenders with scores of 6 through 9. No offender in these samples had a score of 10 or greater. The rates were based on the same subjects and the same statistics (survival analysis) as those used to generate the estimates reported in Table 5 of Hanson and Thornton (1999, 2000).

Overall, the recidivism rates for the offenders with scores of 6, 7, and 8 were similar to the rates for the high-risk group as a whole. There were only three cases with a STATIC-99 score of 9, one of which sexually recidivated after 3 years, one re-offended with non-sexual violent offence after 18 years, and one did not recidivate. None of the differences between the groups were statistically significant.

STATIC-99 Score	Sample Size	Sexual recidivism			Violent recidivism		
		5 years	10 years	15 years	5 years	10 years	15 years
6	72	.36	.44	.51	.46	.53	.60
7	33	.43	.43	.53	.43	.46	.56
8	21	.33	.52	.57	.43	.57	.62
9	3	.33	.33	.33	.33	.33	.33
10, 11, 12	0						
Scores 6 thru 12	129	.39	.45	.52	.44	.51	.59

## Appendix 9-F.12: STATIC-99 Coding Form

Question Number	Risk Factor	Codes	Score
1	Young (S9909)	Aged 25 or older Aged 18 – 24.99	0 1
2	Ever Lived With (S9910)	Ever lived with lover for at least two years? Yes No	0 1
3	Index non-sexual violence Any Convictions (S9904)	No Yes	0 1
4	Prior non-sexual violence Any Convictions (S9905)	No Yes	0 1
5	Prior Sex Offences (S9901)	Charges Convictions None None 1-2 1 3-5 2-3 6+ 4+	0 1 2 3
6	Prior sentencing dates (excluding index) (S9902)	3 or less 4 or more	0 1
7	Any convictions for non-contact sex offences (S9903)	No Yes	0 1
8	Any Unrelated Victims (S9906)	No Yes	0 1
9	Any Stranger Victims (S9907)	No Yes	0 1
10	Any Male Victims (S9908)	No Yes	0 1
	<b>Total Score</b>	<b>Add up scores from individual risk factors</b>	

## Appendix 9-F.13: Translating STATIC-99 Scores into Categories

### Score Label for Risk Category

0,1 Low 2,3 Moderate-Low 4,5 Moderate-High 6 plus High STATIC-99 Coding Form

Question Number	Risk Factor	Codes	Score
1	Young (S9909)	Aged 25 or older Aged 18 – 24.99	0 1
2	Ever Lived With (S9910)	Ever lived with lover for at least two years? Yes No	0 1
3	Index non-sexual violence Any Convictions (S9904)	No Yes	0 1
4	Prior non-sexual violence Any Convictions (S9905)	No Yes	0 1
5	Prior Sex Offences (S9901)	Charges Convictions None None 1-2 1 3-5 2-3 6+ 4+	0 1 2 3
6	Prior sentencing dates (excluding index) (S9902)	3 or less 4 or more	0 1
7	Any convictions for non-contact sex offences (S9903)	No Yes	0 1
8	Any Unrelated Victims (S9906)	No Yes	0 1
9	Any Stranger Victims (S9907)	No Yes	0 1
10	Any Male Victims (S9908)	No Yes	0 1
	<b>Total Score</b>	<b>Add up scores from individual risk factors</b>	

## **Appendix 9-G: Personality Disorder/Mental Abnormality (DSM)**

### **APD - Diagnostic Criteria**

There is a pervasive pattern of disregard for and violation of the rights of others occurring since age 15 years, as indicated by three (or more) of the following:

- Failure to conform to social norms with respect to lawful behaviors as indicated by repeatedly performing acts that are grounds for arrest;
  - Deceitfulness, as indicated by repeated lying, use of aliases, or conning others for personal profit or pleasure;
  - Impulsivity or failure to plan ahead;
  - Irritability and aggressiveness, as indicated by repeated physical fights or assaults;
  - Reckless disregard for safety of self or others;
  - Consistent irresponsibility, as indicated by repeated failure to sustain consistent work behavior or honor financial obligations;
  - Lack of remorse, as indicated by being indifferent to or rationalizing having hurt, mistreated, or stolen from another;
- A. The individual is at least age 18 years;
- B. There is evidence of Conduct Disorder with onset before age 15 years; and
- C. The occurrence of antisocial behavior is not exclusively during the course of Schizophrenia or a Manic Episode.

### **Conduct Disorder - Diagnostic Criteria**

A repetitive and persistent pattern of behavior in which the basic rights of others or major age-appropriate societal norms or rules are violated, as manifested by the presence of three (or more) of the following criteria in the past 12 months, with at least one criterion present in the past 6 months:

- Aggression to people and animals
  - Often bullies, threatens, or intimidates others
  - Often initiates physical fights
  - Has used a weapon that can cause serious physical harm to others (e.g., a bat, brick, broken bottle, knife, gun)
  - Has been physically cruel to people
  - Has been physically cruel to animals
  - Has stolen while confronting a victim (e.g., mugging, purse snatching, extortion, armed robbery)
  - Has forced someone into sexual activity
- Destruction of property

- Has deliberately engaged in fire setting with the intention of causing serious damage
  - Has deliberately destroyed others' property (other than by fire setting)
- Deceitfulness or theft
  - Has broken into someone else's house, building, or car
  - Often lies to obtain goods or favors or to avoid obligations (i.e., "cons" others)
  - Has stolen items of nontrivial value without confronting a victim (e.g., shoplifting, but without breaking and entering; forgery)
- Serious violations of rules
  - Often stays out at night despite parental prohibitions, beginning before age 13 years
  - Has run away from home overnight at least twice while living in parental or parental surrogate home (or once without returning for a lengthy period)
  - Is often truant from school, beginning before age 13 years
- The disturbance in behavior causes clinically significant impairment in social, academic or occupational functioning.
- If the individual is age 18 years or older, criteria are not met for Antisocial Personality Disorder.

#### **Narcissistic PD - Diagnostic Criteria**

A pervasive pattern of grandiosity (in fantasy or behavior), need for admiration, and lack of empathy, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:

- Has a grandiose sense of self-importance (e.g., exaggerates achievements and talents, expects to be recognized as superior without commensurate achievements);
- Is preoccupied with fantasies of unlimited success, power, brilliance, beauty, or ideal love;
- Believes that he or she is "special" and unique and can only be understood by, or should associate with, other special or high-status people (or institutions);
- Requires excessive admiration;
- Has a sense of entitlement, i.e., unreasonable expectations of especially favorable treatment or automatic compliance with his or her expectations;
- Is interpersonally exploitative, i.e., takes advantage of others to achieve his or her own ends;
- Lacks empathy: is unwilling to recognize or identify with the feelings and needs of others;
- Is often envious of others or believes that others are envious of him or her; and
- Shows arrogant, haughty behaviors or attitudes.

## **Paraphilias**

### ***Diagnostic Features***

The essential features of a Paraphilia are recurrent, intense sexually arousing fantasies, sexual urges or behaviors generally involving:

- Nonhuman objects;
- The suffering or humiliation of oneself or one's partner; or
- Children or other non-consenting persons.

These occur over a period of at least six months (Criterion A). For some individuals, paraphiliac fantasies or stimuli are obligatory for erotic arousal and are always included in sexual activity. In other cases, the paraphiliac preferences occur only episodically (e.g., perhaps during periods of stress), whereas at other times the person is able to function sexually without paraphiliac fantasies or stimuli. The behavior, sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning (Criterion B).

Paraphiliac imagery may be acted out with a non-consenting partner in a way that may be injurious to the partner (as in Sexual Sadism or Pedophilia). The individual may be subject to arrest and incarceration. Sexual offenses against children constitute a significant proportion of all reported criminal sex acts, and individuals with Exhibitionism, Pedophilia, and Voyeurism make up the majority of apprehended sex offenders. In some situations, acting out the paraphiliac imagery may lead to self-injury (as in Sexual Masochism). Social and sexual relationships may suffer if others find the unusual sexual behavior shameful or repugnant or if the individual's sexual partner refuses to cooperate in the unusual sexual preferences. In some instances, the unusual behavior (e.g., exhibitionistic acts or the collection of fetish objects) may become the major sexual activity in the individual's life. These individuals are rarely self-referred and usually come to the attention of mental health professionals only when their behavior has brought them into conflict with sexual partners or society.

The Paraphilias described here are conditions that have been specifically identified by previous classifications. They include Exhibitionism (exposure of genitals), Fetishism (use of nonliving objects), Frotteurism (touching and rubbing against a nonconsenting person), Pedophilia (focus on prepubescent children), Sexual Masochism (receiving humiliation or suffering), Sexual Sadism (inflicting humiliation or suffering), Transvestic Fetishism (cross-dressing), and Voyeurism (observing sexual activity). A residual category, Paraphilia Not Otherwise Specified, includes other Paraphilias that is less frequently encountered. Not uncommonly, individuals have more than one Paraphilia.

### ***Recording Procedures***

The individual Paraphilias are differentiated based on the characteristic paraphiliac focus. However, if the individual's sexual preferences meet criteria for more than one Paraphilia, all should be diagnosed. The diagnostic code and terms are as follows 302.4 Exhibitionism, 302.81 Fetishism, 302.39 Frotteurism, 302.2 Pedophilia, 302.83 Sexual Masochism, 302.84 Sexual Sadism, 302.82, Voyeurism 302.3 Transvestic Fetishism, and 302.9 Paraphilia Not Otherwise Specified.

***Associated Features and Disorders***

Associated descriptive features and mental disorders. The preferred stimulus, even within a particular Paraphilia, may be highly specific. Individuals who do not have a consenting partner with whom their fantasies can be acted out may purchase the services of prostitutes or may act out their fantasies with unwilling victims. Individuals with a Paraphilia may select an occupation or develop a hobby or volunteer work that brings them into contact with the desired stimulus (e.g., selling women's shoes or lingerie [Fetishism], working with children [Pedophilia], or diving an ambulance [Sexual Sadism]). They may selectively view, read, purchase, or collect photographs, films, and textual depictions that focus on their preferred type of paraphiliac stimulus. Many individuals with these disorders assert that the behavior causes them no distress and that their only problem is social dysfunction as a result of the reaction of others to their behavior. Others report extreme guilt, shame, and depression at having to engage in an unusual sexual activity that is socially unacceptable or that they regard as immoral. There is often impairment in the capacity for reciprocal, affectionate sexual activity, and sexual dysfunctions may be present. Personality disturbances are also frequent and may be severe enough to warrant a diagnosis of a Personality Disorder. Symptoms of depression may develop in individuals with Paraphilias and may be accompanied by an increase in the frequency and intensity of the paraphiliac behavior.

Associated laboratory findings. Penile plethysmography has been used in research settings to assess various Paraphilias by measuring an individual's sexual arousal in response to visual and auditory stimuli. The reliability and validity of this procedure in clinical assessment have not been well established, and clinical experience suggests that subjects can simulate response by manipulating mental images.

Associated general medical conditions. Frequent, unprotected sex may result in infection with, or transmission of, a sexually transmitted disease. Sadistic or masochistic behaviors may lead to injuries ranging in extent from minor to life threatening.

***Specific Culture and Gender Features***

The diagnosis of Paraphilias across cultures or religions is complicated by the fact that what is considered deviant in one cultural setting may be more acceptable in another setting. Except for Sexual Masochism, where the sex ratio is estimated to be 20 males for each female, the other Paraphilias are almost never diagnosed in females, although some cases have been reported.

***Prevalence***

Although Paraphilias are rarely diagnosed in general clinical facilities, the large commercial market in paraphiliac pornography and paraphernalia suggests that its prevalence in the community is likely to be higher. The most common presenting problems in clinics that specialize in the treatment of Paraphilias are Pedophilia, Voyeurism, and Exhibitionism, Sexual Masochism and Sexual Sadism are much less commonly seen. Approximately one-half of the individuals with Paraphilias seen clinically are married.

***Course***

Certain of the fantasies and behaviors associated with Paraphilias may begin in childhood or early adolescence but become better-defined and elaborated during adolescence and early adulthood. Elaboration and revision of paraphiliac fantasies may continue over the lifetime of the individual. By definition, the fantasies and urges associated with these disorders are recurrent. Many individuals report that the fantasies are always present but that there are periods of time when the frequency of the fantasies and intensity of the urges vary substantially. The disorders tend to be chronic and lifelong, but both the fantasies and the behaviors often diminish with advancing age in adults. The behaviors may increase in response to psychosocial stressors, in relation to other mental disorders, or with increased opportunity to engage in the Paraphilia.

***Differential Diagnosis***

A Paraphilia must be distinguished from the non-pathological use of sexual fantasies, behaviors or objects as a stimulus for sexual excitement in individuals without a Paraphilia. Fantasies, behaviors or objects are paraphiliac only when they lead to clinically significant distress or impairment (e.g., are obligatory, result in sexual dysfunction, require participation of non-consenting individuals, lead to legal complications, interfere with social relationships).

In Mental Retardation, Dementia, Personality Change Due to a General Medical Condition; Substance Intoxication, a Manic Episode or Schizophrenia, there may be a decrease in judgment, social skills, or impulse control that in rare instances leads to unusual sexual behavior. This can be distinguished from a Paraphilia by the fact that the unusual sexual behavior is not the individual's preferred or obligatory pattern, the sexual symptoms occur exclusively during the course of these mental disorders, and the unusual sexual acts tend to be isolated rather than recurrent and usually have a later age at onset.

The individual paraphilias can be distinguished based on differences in the characteristic paraphiliac focus. However, if the individual's sexual preferences meet criteria for more than one Paraphilia, all can be diagnosed. Exhibitionism must be distinguished from public urination, which is sometimes offered as an explanation for the behavior. Fetishism and Transvestic Fetishism both often involve articles of feminine clothing. In Fetishism, the focus of sexual arousal is on the article of clothing itself (e.g., panties), whereas in Transvestic Fetishism, the sexual arousal comes from the act of cross-dressing. Cross-dressing, which is present in Transvestic Fetishism, may also be present in Sexual Masochism. In Sexual Masochism, it is the humiliation of being forced to cross-dress, not the garments themselves, that is sexually exciting.

Cross-dressing may be associated with gender dysphoria if some gender dysphoria is present, but the full criteria for Gender Identity Disorder are not met, the diagnosis is Transvestic Fetishism, With Gender Dysphoria. Individuals should receive the additional diagnosis of Gender Identity Disorder, if their presentation meets the full criteria for Gender Identity Disorder.

**302.40 Exhibitionism**

The paraphiliac focus in Exhibitionism involves the exposure of one's genitals to a stranger. Sometimes the individual masturbates while exposing himself (or while fantasizing exposing himself). If the person acts on these urges, there is generally no attempt at further sexual activity with the stranger. In some cases, the individual is aware of a desire to surprise or shock the observer. In other cases, the individual has the sexually arousing fantasy that the observer will become sexually aroused. The onset usually occurs before age 18 years, although it can begin at a later age. Few arrests are made in the older age groups, which may suggest that the condition becomes less severe after age 40 years.

**■ Diagnostic Criteria for 302.4 Exhibitionism**

- A. Over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges or behaviors involving the exposure of one's genitals to an unsuspecting stranger.
- B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

**302.81 Fetishism**

The paraphiliac focus in Fetishism involves the use of nonliving objects (the fetish”). Among the more common fetish objects are women s underpants, bras, stockings, shoes boots or other wearing apparel. The person with Fetishism frequently masturbates while holding, rubbing, or smelling the fetish object or may ask the sexual partner to wear the object during their sexual encounters. Usually the fetish is required or strongly preferred for sexual excitement, and in its absence there may be erectile dysfunction in males. This Paraphilia is not diagnosed when the fetishes are limited to articles of female clothing used in cross-dressing, as in Transvestic Fetishism, or when the object is genitally stimulating because it has been designed for that purpose (e.g., a vibrator). Usually the Paraphilia begins by adolescence, although the fetish may have been endowed with special significance earlier in childhood. Once established, Fetishism tends to be chronic.

**■ Diagnostic Criteria for 302.81 Fetishism**

- A. Over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges or behaviors involving the use of nonliving objects (e.g., female undergarments).
- B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning
- C. The fetish objects are not limited to articles of female clothing used in cross-dressing (as in Transvestic Fetishism) or devices designed for the purpose of tactile genital stimulation (e.g., a vibrator).

**302.89 Frotteurism**

The paraphiliac focus of Frotteurism involves touching and rubbing against a non-consenting person. The behavior usually occurs in crowded places from which the individual can more easily escape arrest (e.g., on busy sidewalks or in public transportation vehicles). He rubs his genitals against the victim's thighs and buttocks or fondles her genitalia or breasts with his hands. While doing this, he usually fantasizes an exclusive, caring relationship with the victim. However, he recognizes that to avoid possible prosecution, he must escape detection after touching his victim. Usually the Paraphilia begins by adolescence. Most acts of frottage occur when the person is ages, 15-25 years, after which there is a gradual decline in frequency.

**■ Diagnostic Criteria for 302.89 Frotteurism**

- A. Over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving touching and rubbing against a non-consenting person
- B. The fantasies, sexual urges or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

### **302.20 Pedophilia**

The paraphiliac focus of Pedophilia involves sexual activity with a prepubescent child (generally 13 years or younger). The individual with Pedophilia must be age 16 years or older and at least 5 years older than the child. or individuals in late adolescence with Pedophilia, no precise age difference is specified, and clinical judgment must be used; both the sexual maturity of the child and the age difference must be taken into account. Individuals with Pedophilia generally report an attraction to children of a particular age range. Some individuals prefer males, others females and some are aroused by both males and females. Those attracted to females usually prefer 8- to 10- year olds, whereas those attracted to males usually prefer slightly older children. Pedophilia involving female victims is reported more often than Pedophilia involving male victims. Some individuals with Pedophilia are sexually attracted only to children (Exclusive Type), whereas others are sometimes attracted to adults (Nonexclusive Type). Individuals with Pedophilia who act on their urges with children may limit their activity to undressing the child and looking, exposing themselves, masturbating in the presence of the child or gentle touching and fondling of the child. Others, however, perform fellatio or cunnilingus on the child or penetrate the child's vagina, mouth or anus with their fingers foreign objects, or penis and use varying degrees of force to do so. These activities are commonly explained with excuses or rationalizations that they have "educational value" for the child, that the child derives "sexual pleasure" or that the child was "sexually provocative" – themes that are also common in pedophiliac pornography.

Individuals may limit their activities to their own children, stepchildren, or relatives or may victimize children outside their families. Some individuals with Pedophilia threaten the child to prevent disclosure. Others, particularly those who frequently victimize children, develop complicated techniques for obtaining access, to children, which may include winning the trust of a child's mother, marrying a woman with an attractive child, trading children with other individuals with Pedophilia, or, in rare instances, taking in foster children from non-industrialized countries or abducting children from strangers. Except in cases in which the disorder is associated with Sexual Sadism, the person may be attentive to the child's needs in order to gain the child's affection, interest and loyalty and to prevent the child from reporting the sexual activity. The disorder usually begins in adolescence, although some individuals with Pedophilia report that children did not arouse them until middle age. The frequency of pedophiliac behavior often fluctuates with psychosocial stress. The course is usually chronic, especially in those attracted to males. The recidivism rate for individuals with Pedophilia involving a preference for males is roughly twice that for those who prefer females.

### **302.83 Sexual Masochism**

The paraphiliac focus of Sexual Masochism involves the act (real not simulated) of being humiliated, beaten, bound or otherwise made to suffer. Some individuals are bothered by their masochistic fantasies, which may be invoked during sexual intercourse or masturbation but not otherwise acted on. In such cases, the masochistic fantasies usually involve being raped while being held or bound by others so that there is no possibility of escape. Others act on the masochistic sexual urges by themselves (e g, binding themselves, sticking themselves with pins, shocking themselves electrically, or self-mutilation) or with a partner. Masochistic acts that

may be sought with a partner include restraint (physical bondage), blindfolding (sensory bondage), paddling, spanking, whipping, beating, electrical shocks, cutting, “pinning and piercing” (infiltration), and humiliation (e.g. being urinated or defecated on, being forced to crawl and bark like a dog, or being subjected to verbal abuse).

Forced cross-dressing may be sought for its humiliating associations. The individual may have a desire to be treated as a helpless infant and clothed in diapers (“infantilism”). One particularly dangerous form of Sexual Masochism, called ‘hypoxyphilia,” involves sexual arousal by oxygen deprivation obtained by means of chest compression, noose, ligature, plastic bag, mask, or chemical (often a volatile nitrite that produces a temporary decrease in brain oxygenation by peripheral vasodilation). Oxygen-depriving activities may be engaged in alone or with a partner. Because of equipment malfunction, errors in the placement of the noose or ligature, or other mistakes, accidental deaths sometimes occur. Data from the United States, England, Australia and Canada indicate that one to two hypoxyphilia-caused deaths per million population are detected and reported each year.

Some males with Sexual Masochism also have Fetishism, Transvestic Fetishism or Sexual Sadism Masochistic sexual fantasies are likely to have been present in childhood. The age at which masochistic activities with partners first begin is variable, but is commonly by early adulthood. Sexual Masochism is usually chronic, and the person tends to repeat the same masochistic act. Some individuals with Sexual Masochism may engage in masochistic acts for many years without increasing the potential injuriousness of their acts. Others, however, increase the severity of the masochistic acts overtime or during periods of stress, which may eventually result in injury or even death.

**■ Diagnostic Criteria for 302.83 Sexual Masochism**

- A. Over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving the act (real not simulated) of being humiliated, beaten, bound, or otherwise made to suffer.
- B. The fantasies, sexual urges or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

**302.84 Sexual Sadism**

The paraphiliac focus of Sexual Sadism involves acts (real, not simulated) in which the individual derives sexual excitement from the psychological or physical suffering (including humiliation) of the victim. Some individuals with this Paraphilia are bothered by their sadistic fantasies, which may be invoked during sexual activity but not otherwise acted on, in such cases the sadistic fantasies usually involve having complete control over the victim, who is terrified by anticipation of the impending sadistic act. Others act on the sadistic sexual urges with a consenting partner (who may have Sexual Masochism) who willingly suffers pain or humiliation. Still others with Sexual Sadism act on their sadistic sexual urges with non-consenting victims. In all of these cases, it is the suffering of the victim that is sexually arousing. Sadistic fantasies or acts may involve activities that indicate the dominance of the person over the victim (e.g., forcing the victim to crawl or keeping the victim in a cage). They may also involve restraint, blindfolding, paddling, spanking, whipping, pinching, beating, burning, electrical shocks, rape, cutting, stabbing, strangulation, torture, mutilation or killing. Sadistic sexual fantasies are likely to have been present in childhood. The age at onset of sadistic activities is variable, but is commonly by early adulthood.

Sexual Sadism is usually chronic. When Sexual Sadism is practiced with non-consenting partners, the activity is likely to be repeated until the person with Sexual Sadism is apprehended. Some individuals with Sexual Sadism may engage in sadistic acts for many years without a need to increase the potential for inflicting serious physical damage. Usually, however, the severity of the sadistic acts increases over time. When Sexual Sadism is severe, and especially when it is associated with Antisocial Personality Disorder, individuals with Sexual Sadism may seriously injure or kill their victims.

**■ Diagnostic Criteria for 302.84 Sexual Sadism**

- A. Over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving acts (real, not simulated) in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting to the person.
- B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

### **302.30 Transvestic Fetishism**

The paraphiliac focus of Transvestic Fetishism involves cross-dressing. Usually the male with Transvestic Fetishism keeps a collection of female clothes that he intermittently uses to cross-dress. While cross-dressed, he usually masturbates, imagining himself to be both the male subject and the female object of his sexual fantasy. This disorder has been described only in heterosexual males. Transvestic Fetishism is not diagnosed when cross-dressing occurs exclusively during the course of Gender Identity Disorder. Transvestic phenomena range from occasional solitary wearing of female clothes to extensive involvement in a transvestic subculture. Some males wear a single item of women's apparel (e.g., underwear or hosiery) under their masculine attire.

Other males with Transvestic Fetishism dress entirely as females and wear makeup. The degree to which the cross-dressed individual successfully appears to be a female varies, depending on mannerisms, body habits, and cross-dressing skill. When not cross-dressed the male with Transvestic Fetishism is usually unremarkably masculine. Although his basic preference is heterosexual, he tends to have few sexual partners and may have engaged in occasional homosexual acts. An associated feature may be the presence of Sexual Masochism. The disorder typically begins with cross-dressing in childhood or early adolescence in many cases; the cross-dressing is not done in public until adulthood. The initial experience may involve partial or total cross-dressing; partial cross-dressing often progresses to complete cross-dressing.

A favored article of clothing may become erotic in itself and may be used habitually, first in masturbation and later in intercourse. In some individuals, the motivation for cross-dressing may change over time, temporarily or permanently, with sexual arousal in response to the cross-dressing diminishing or disappearing. In such instances, the cross-dressing becomes an antidote to anxiety or depression or contributes to a sense of peace and calm. In other individuals, gender dysphoria may emerge, especially under situational stress with or without symptoms of depression. For a small number of individuals, the gender dysphoria becomes a fixed part of the clinical picture and is accompanied by the desire to dress and live permanently as a female and to seek hormonal or surgical reassignment. Individuals with Transvestic Fetishism often seek treatment when gender dysphoria emerges. The subtype With Gender Dysphoria is provided to allow the clinician to note the presence of gender dysphoria as part of Transvestic Fetishism.

■ **Diagnostic Criteria for 302.3 Transvestic Fetishism**

- A. Over a period of at least six months, in a heterosexual male, recurrent, intense sexually arousing fantasies, sexual urges or behaviors involving cross-dressing.
- B. The fantasies, sexual urges or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

Specify if With Gender Dysphoria if the person has persistent discomfort with gender role or identity.

**302.82 Voyeurism**

The paraphiliac focus of Voyeurism involves the act of observing unsuspecting individuals, usually strangers, who are naked, in the process of disrobing, or engaging in sexual activity. The act of looking (“peeping”) is for the purpose of achieving sexual excitement, and generally no sexual activity with the observed person is sought. Orgasm, usually produced by masturbation, may occur during the voyeuristic activity or later in response to the memory of what the person has witnessed. Often these individuals have the fantasy of having a sexual experience with the observed person, but in reality, this rarely occurs. In its severe form, peeping constitutes the exclusive form of sexual activity. The onset of voyeuristic behavior is usually before age 15 years. The course tends to be chronic.

■ **Diagnostic Criteria for 302.82 Voyeurism**

- A. Over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving the act of observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity.
- B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

**302.90 Paraphilia Not Otherwise Specified**

This category is included for coding Paraphilias that do not meet the criteria for any of the specific categories. Examples include, but are not limited to: telephone scatologia (obscene phone calls); necrophilia (corpses); partialism (exclusive focus on part of body); zoophilia (animals); coprophilia (feces); klismaphilia (enemas); and urophilia (urine).

## Appendix 9-H: Informed Consent

You have been ordered by the \_\_\_\_\_ County Court to undergo assessment pursuant to 42 PA C.S. § 9791, commonly known as “Megan’s Law.” Under the terms of this law, the assessment will be directed to the district attorney, who will decide if a hearing is to be pursued. If it is, the district attorney will file for the hearing, and forward a copy of the assessment to your attorney. The law also requires that a copy of the assessment be sent to the agency preparing the pre-sentence investigation. The purpose of the assessment is to determine if you meet the criteria for sexually violent predator. The burden of proof is on the district attorney who must prove by clear and convincing evidence that you meet the criteria set forth in the law.

The Investigator for the Sexual Offenders Assessment Board (SOAB) conducts a background investigation that includes a psycho/social/criminal history, as well as, an interview and relevant tests and questionnaires.

The assigned SOAB member will review all materials of the investigation, and will obtain additional information through an interview and tests. The SOAB member will explain all tests to you. The SOAB member will conduct their evaluation for the sole purpose of deciding if, in their opinion, you meet the criteria set forth in the law for a sexually violent predator.

At a hearing prior to sentencing, the court will decide if you are to be sentenced as a sexually violent predator. At this hearing, you may call witnesses and enter evidence, as well as cross-examine any witnesses called by the district attorney.

If the court finds you to be a sexually violent predator, the following will happen:

- Upon a sentence of probation, intermediate punishment or release on parole, you must register with the Pennsylvania State Police in person, and have your address verified every 90 days for your lifetime.
- The community where you live will be notified of your address and the offense(s) for which you were convicted.
- You must attend counseling approved by the SOAB at least once a month for your lifetime.

Should the court find that you are not a sexually violent predator, the court will advise you about the length of your registration, pursuant to 42 PA C.S. § 9791.

You have the right to counsel and to have your counsel present for the investigation and assessment. You do not have to participate in an interview. The investigation and assessment will take place even if you do not participate. This information will be made available to those in charge of your custody, supervision and treatment.

I have had the aforementioned information read to me, and I have had the opportunity to ask questions. I understand the assessment process.

\_\_\_\_\_ I agree to speak to the SOAB.

\_\_\_\_\_ I decline to speak to the SOAB.

Offender signature/date

Investigator signature/date

**Informed Consent**

Pursuant to 42 PA C.S. § 9791, commonly known as “Megan’s Law.” The Pennsylvania Board of Probation and Parole is authorized to request the Sexual Offenders Assessment Board (SOAB) to conduct an assessment for their consideration as part of the paroling process.

The Investigator for the Sexual Offenders Assessment Board (SOAB) conducts a background investigation that includes a psycho/social/criminal history, as well as, an interview and relevant tests and questionnaires.

The assigned SOAB member will review all materials of the investigation, and may obtain additional information through an interview and tests. The SOAB member will explain all tests to you. The SOAB member will conduct his or her evaluation for the sole purpose of writing an evaluation for the Pennsylvania Board of Probation and Parole.

The SOAB member is not your treatment provider. Copies of the report will become part of your permanent record with the PBPP and will be made available to the PBPP, its agents and assignee’s (e.g., treatment providers, Department of Corrections personnel, etc.)

I have had the aforementioned information read to me, and I have had the opportunity to ask questions. I understand the assessment process.

\_\_\_\_\_ I agree to speak to the SOAB

(Please initial)

\_\_\_\_\_ I decline to speak to the SOAB.

(Please initial)

\_\_\_\_\_ I decline to speak to the SOAB.

I want to serve my entire sentence.

(Please initial)

Offender signature/date

Investigator signature/date

**SOAB Investigative Face Sheet**

June 13, 2007

<b>Name:</b>			
<b>Address:</b>			
<b>Phone #:</b>			
<b>Court Docket #:</b>		<b>Conviction Date:</b>	

<b>DOB:</b>		<b>Age:</b>	
<b>Sex:</b>		<b>Race:</b>	
<b>SS.:</b>		<b>POB:</b>	
<b>SID:</b>		<b>RID#:</b>	

<b>Offense date:</b>			
<b>Offense(s):</b>			
<b>County Contact:</b>		<b>Prison Contact:</b>	
<b>Judge:</b>		<b>Prosecuting Attorney:</b>	
<b>Type of Conviction:</b>	Guilty Plea	<b>Defense Attorney:</b>	
<b>Referring County:</b>			
<b>Name/Age of victim(s):</b>			
<b>Relationship to victim:</b>			
<b>Investigator:</b>			

**SPECIAL NOTE: We received notice on \_\_\_\_\_ from the defense attorney that \_\_\_\_\_ is participating in the assessment.**

➤ \_\_\_\_\_, Investigator met with the offender on \_\_\_\_\_, at the \_\_\_\_\_. He consented to an interview at that time.

➤ The interview began at \_\_\_\_\_ A.M. and concluded at \_\_\_\_\_ A.M.

The defense attorney **DOES** want to be present.

Information Sources Checked	Results:
1. Court Order regarding assessment	Attached to this report
2. Informed Consent Form	Attached to this report
3. Police Report	Attached to this report
4. Children & Youth / CHILDLINE Reports	Attached to this report
5. Prior Record	Please see investigation report
6. Protection from Abuse Orders	Attached to this report
7. Probation Records	Attached to this report
8. Prison Records	Attached to this report
9. Child Support Orders	See report
10. Educational Records	Attached to this report

**Appendix 9-I: Alternate Interview Schedule**

Name:

Address:

Phone #:

DOB:

Age:

Sex:

Race:

SS.:

POB:

SID:

RID#:

Date/time/location of interview:

**Family History**

<i>Name</i>	<i>Relationship</i>	<i>Age</i>	<i>Address</i>	<i>Occupation</i>
	Father			
	Mother			

History of criminal charges and convictions, \*drug or alcohol use, \*psychiatric problems, and \*mental health contacts or counseling. Any \*medical history, suicide, and attempted suicide.  
\*Present relationship with the offender.

Type of contact with other family members as an adult (i.e., parents, and siblings)?

- How often do you see them/talk to them?
- How well do you get along?
- If you had a personal problem about something, could you go to them?

### Childhood

- Lived with both natural parents until what age?
- If not until adulthood, give age of separation and why (death, divorce, institutionalization). Describe substitute caregiver, if any and when contact occurred (relative, adoptive parents, foster parents, and attendance in training school).
- Describe home life as a child (moved frequently, financially stable, "close knit").
- What were parents like as individuals and in their marital relationship (hard workers, socially isolated, alcoholic, abusive, happy, compatible)?  
\*mother  
\*father
- Describe relationship of offender with parents (frequent arguments, emotionally positive, supportive).
- How disciplined or punished, how often and for what (slapped, denied privileges, beaten)?
- Describe relationship with brothers and sisters (distant, close, physical fights, protective).
- Ran away from home for more than a day and at what age? How often and why?
- Ever any sleep disorders (somnambulism, night terrors).
- Involvement in physical fights? What age and how often?
- Ever threatened someone, or pick out another child to control, tease or torment?
- Ever been picked on or tormented by someone for a period?
- Involvement with police/ social services/juvenile probation (i.e., formal charges, assessed by CYA).
- Involvement in criminal acts not resulting in charges (thefts, vandalism, fire setting, or hurting animals)?
- Describe nature of relationships with peers (i.e., mutually rewarding interactions, acquaintances only, preferred to be a loner, used others for own gain). Any close friends?

**Education**

- Highest grade completed? (Reason for quitting school if left before completing high school?)
- Ever fail a grade? Which one and why?
- What were marks like in elementary school and in high school?)
- Ever any learning or reading disabilities and specify how known (i.e., dyslexia, brain damage)?
- What areas did you enjoy or do well in (mathematics, writing, sports, mechanics)?
- What areas did you NOT enjoy or do poorly in?
- Describe relationships with teachers in elementary and high school & with students.
- How would teachers describe
- Describe likes and dislikes about school - Ever find school boring or uninteresting?
- Ever in trouble with teachers, principals, and other students? For what and how often?  
--Ever truant? How often and what age? --Ever suspended, expelled, or asked to transfer? Why?
- Any college, university, technical training, or upgrading? Describe and include institutional upgrading.

**Employment**

- Position held – job responsibilities length of stay, and reason for leaving. How did you find your job?  
-- Start with most recent job and record information.
- What were relationships with bosses like? What were relationships with other employees like?
- Ever fired? Why and how often  
--How often late or absent from work? Why?
- Describe your job performance
- Ever find jobs too difficult, boring, or too low paying? Explain.
- How often and for how long unemployed as an adult – How did you support yourself?
- Ever collected welfare, unemployment, or disability payments? Why and for how long?
- Ever commit crimes to make money sell drugs, prostitution/ pimping, fraud, thefts/fencing stolen property?
- Type of work planned for after release?
- Any military service. If so, when, how long, type of classification and type of discharge? Describe involvement. (Any psychiatric and criminal activities and dispositions.)

**Medical**

- Describe overall general health.
- Any serious illnesses (e.g., hepatitis, cancer)? Medical problems or physical disabilities (i.e., diabetes, arthritis, and blindness)?
- Types of medication received at present for any of the aforementioned physical problems.  
--Problems with compliance with prescribed medications
- Any problems or side effects experienced with these medications now or in the past.
- Any admissions to a general hospital for medical reasons?
- Ever knocked unconscious or received a head injury (i.e., severe beating, car accident)?
- Ever had a CAT scan or EEG? Why, when, and what were the results, if known?

**Psychiatric/Psychological/Counseling**

- List psychiatric admissions, (Why, dates, locations, voluntary, involuntary)
- Outpatient treatment by a psychiatrist, psychologist or other counselor? (Why, dates, type, locations)
- Diagnosed as hyperactive/attention deficit disorder as a child?
- Have emotional problems ever interfered with offender's life?
- Ever received medication for mental health (i.e., depression, anxiety, and psychosis)?
  - Any side effects or problems experienced with these prescribed medications.
  - Problems with compliance.
- Ever been prescribed a sex drive-reducing medication? When, why, effectiveness, and side effects, if any.
- Ever attempted suicide? Why? When?
- Receiving psychiatric supervision at time of current offense?

**Substance Use**

- History of alcohol use. Age first started to drink alcohol. Why?
- What were usual drinking situations as a teenager? As an adult? How often and how much?
- Pathological indicators of alcohol abuse
  - Inability to reduce the amount of intake.
  - Repeated efforts to abstain.
  - Drinking despite physical problems caused by alcohol.
  - Blackouts, amnesic periods while intoxicated.
  - Binges, remaining intoxicated for at least 2 days.
  - Need for markedly increased amounts of alcohol.
  - Withdrawal or shakes relieved by drinking.
- History of illegal drug use. \*Age first started to take illegal drugs, last used drugs?

- Marijuana
- Cocaine
- Crack
- Amphetamines
- Heroin
- Barbiturates
- Angel Dust
- Inhalants
- LSD/Mushroom
- Abuse of prescribed medication
- Pathological indicators of drug abuse.
  - Inability to reduce or stop intake.
  - drug taking despite serious physical problems.
  - Tolerance, need for increased amount of substance.
  - Prolonged heavy use of substance.
  - Withdrawal, development of physical symptoms after cessation of taking drugs (i.e., fever, diarrhea, insomnia, and shakes)
- Alcohol or drugs cause of problems with spouse or partner, family, friends, and work. Describe.
- Absent or fired from work because of alcohol or drugs?
- Behavior change while using alcohol or drugs? Were you ever violent while using alcohol or drugs?
- Ever do anything crazy or dangerous for fun when using or sober?
- Ever charged with a related offense such as impaired driving, possession, or trafficking narcotics?
- Alcohol or drug involvement with prior offenses? Alcohol or drug involvement with current offense?

### **Adult Environment**

- Do you have enough friends? If you had a personal problem about something, could you go to them?
- Describe any hobbies, sports, leisure, recreational, or religious activities and interests.
- Any language, religious, or cultural customs that might affect assessment?
- Ever traveled around without any plans or goals? At what age, how often, and for how long?
- How well do you get along with others? Verbally and physically assaultive? (Threats, arguments, assaults, caused serious injury to someone how often/ why)?  
\*What types of things get you angry? \*What do you do when you're angry?

- How would your neighbors describe you? (i.e., social isolate, transient, "party animal," criminal associations, good worker, family man).
- What kind of places have you lived in?
  - a. Own house/condominium
  - b. Rented house/apartment
  - c. Room
  - d. Shelter/hostel
  - e. Institution
  - f. No fixed address
  - g. Other (specify)
- How long at each place?
- What sort of problems did you see with your living arrangements?
  - Crowded
  - Poor condition
  - Other physical (noisy, location etc.)
  - Interpersonal: neighbors
  - Interpersonal: living companions. Explain.
- History of financial problems (i.e., inability to provide for self or others, incurred debts, credit misuse). \*Were you able to make ends meet without running up debt? \*How many loans have you had? Any defaults. Utility bills
- Are you skillful at using others or taking advantage of them to get what they want? Have you ever been accused of being manipulative? Can you talk your way out of anything?
- Are you satisfied with the way your life has turned out? Do you want to change anything?
- When was the last time you cried? What made you upset? Ever pretend you are upset? Describe yourself.

### **Marriage/Live-in relationships**

- Each marriage or live-in relationship that you have been involved in. For each relationship, identify.
  - Your age/partners age (& gender) at the beginning of the relationship and at the end of the relationship.
  - How did you meet? How long did you date? Describe good and bad qualities.
  - Any children - what ages (distinguish between biological and stepchildren)? What type of contact does the offender maintain with all of his children
  - Sex practices within the relationship. Frequency of sex. Are you and your partner satisfied with the frequency of sex?

Did you think your consenting sexual partners ever enjoyed the sexual activity with you?

Rate their enjoyment on 10-point scale:

**not at all**

**very much**

1    2    3    4    5    6    7    8    9    10

Rate the level of satisfaction you felt during consenting sexual activity?

**not at all**

**very much**

1    2    3    4    5    6    7    8    9    10

- Any affairs during the relationship by either partner, etc.  
How often? At what age(s)? Did your partner ever find out? How did your partner react?
- Any quarreling, threats, physical fights.
- Why did it end?  
Current marital-relationship status and level of satisfaction at time of current offense?

### **Sexual History**

- Age at onset of puberty (i.e., pubic hair, and voice change)?
- How did you learn about sex? What does sex mean to you?
- Describe your childhood sexual activities?
- Do you remember when you first masturbated? (Circumstances, feelings/thoughts then and now, fantasies, frequency, methods and locations).
- First consensual sexual experience (describe relationship)? Age and gender of first sexual partner? Feelings?
- How many partners have you had? Your age/their age? Strangers/acquaintances, emotional attachment?
- List the locations, other than your home, where you have engaged in sexual activities. (What you did, Age, What was done, with Who?)
- What type of sex do you enjoy (penis/vagina, oral sex, bondage, X-rated movies, mate swapping, etc.)
- How often do you think about sex? Describe sexual and romantic interests and behaviors.
- Ever been forced to do a sex act he was not willing to do (as a child or adult)? When? What?
- Describe the sexual activities you have engaged in since you have been in prison.
- Describe times you have felt guilty about your sexual behavior and what you did to feel less guilty.
- History of any sexual problems and concerns/interfered with life (premature ejaculation, impotence, fetishes).

**Record the age behavior started/ended, frequency, associated feelings/thoughts.**

- Purposely exposed themselves in a public place
- Masturbating in public - not to be seen by others
- Rubbed strangers in a crowded place
- Window peeped/watched others having sex
- Made obscene phone calls/wrote obscene notes
- Had sexual contact with a dead body
- Sexually touched a girl  $\leq$  13 years of age
- Sexually touched a girl 14 to 17 years of age
- Sexually touched a boy  $\leq$  13 years of age
- Sexually touched a boy 14 to 17 years old
- Forced an adult to have sex or perform a sex act
- Sex w/ relatives.
- Sexual contact w/ animals?
- Dressed in clothing of the opposite sex.
- Taking nude pictures – self or others. Consent?
- Have, sex with > one person at the same time?
- Use of erotica and pornography?
- Topless bars, adult theaters and sex show?
- Times you paid for or offered to pay for sex?
- Massage parlors
- Times you were paid or offered pay for sex.
- Sexual activity with pain or humiliation?
- Physically hurt/attempt someone during sex?
- Sexual activity involving urine or feces?
- Sexually aroused to a type of object or material.
- Objects for sexual stimulation of self/another.
- Adult bookstores you have gone to.
- Use of the Internet for sexual purposes.
- Use of sex lines ("1-900" number).
- Telephone sex
- Sex with occult/ritualistic/religious groups
- Sexual activity associated with gangs
- Responded to/place ad in a newspaper?
- Written to movie/TV stars or joined a fan club?
- Involvement with nudist camp.

**Criminal History**

- History of criminal offenses? Age at first criminal activity?
- List charges and convictions with dates, dispositions and location.
- Ever incarcerated? Age at first incarceration?
- Ever escape or attempt to escape from police or correctional institution custody?
- Ever on parole, probation, or mandatory supervision? Any criminal offenses occur while under supervision of parole or probation officer or on some type of leave of absence from an institution?
  - \*Violation or revocation of parole or probationary orders?
    - Had bail revoked? Describe.
    - How well did you get along with your parole officer?
    - Did they help you, no difference or make it harder for you to move ahead in your life?
    - What could they have done differently?
- Ever commit an offense for which you were never formally charged? Age? Describe.
- How do you feel when you are doing a crime? [Nervous? Excited? Scared? Do you like doing crime?]
- Ever used aliases? [How often? Why?]
- What is the offender's attitude toward the police and criminal system?
- Attitude about his responsibility for his criminal violations?
- Does he rationalize his offenses, appear supportive of a criminal lifestyle, or is critical of the judicial system?

**Offense**

- Living situation at time of current offense (i.e., with wife, parents, siblings, male lover, alone, transient, etc.).
- What was your relationship to the victim?
  - \*How long did you know her/him? \*What types of things (non-sexual) did you and the victim do together? \*Your age during time offense? \*Age/gender of victim?
- What are you charged with?
  - \*What happened? What did you do? What do the police say you did? \*Was the offense spontaneous or was it planned? \*Were you the only person involved, or were you with others? Did you know the victim? Were you drunk or stoned at the time of the offense? \*How did you get arrested?
- How did you feel when you were being sexual with the victim?
- Places chosen for assault behavior
- Use of masturbation before, during, or after offense? Did you ejaculate?  
Describe:
- Use of drugs and/or alcohol before, during, or after offense?  
Describe:

- Victim use of drugs and/or alcohol before, during, or after offense?  
Describe:
- How did you find the victim, how did you choose the victim, how long did you watch the victim, and how many times had you followed the victim prior to the sexual abuse:
- Number of separate assault incidents with this victim:
- Explain how you were able to get the victim to do what you wanted. i.e., threat, manipulation, force, etc.
- Describe any behavior checked “yes.”
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Masturbation of victim
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Victim made to masturbate me
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Fondling of victim
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Victim made to fondle me
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Digital penetration of victim's vagina
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Digital penetration of victim's anus
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Oral stimulation of victim
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Victim made to orally stimulate me
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Penetration of the vagina or anus
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Penetration of victim with object
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Use of a weapon
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Use of physical force
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Use of restraints/bondage
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Torture of victim
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Physical assault of victim
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Mutilation of body parts
  - Yes \_\_\_\_\_ No \_\_\_\_\_ Urination or defecation on the victim
  - Yes \_\_\_\_\_ No \_\_\_\_\_ View Porn w/ take porn of victim
- Rate the level of satisfaction you felt during your sex crimes?  

<b>not at all</b>	<b>very much</b>
1   2   3   4   5   6   7   8   9   10	
- Describe how you wanted the victim to feel or fantasized the victim would feel during the offense
- Did you ever ask your victims if they enjoyed the sexual acts, you committed?
- Did you think your victims ever enjoyed the sexual acts you committed on them?  

<b>not at all</b>	<b>very much</b>
1   2   3   4   5   6   7   8   9   10	
- Describe what you think the victim actually felt during the offense:
- Did you victimize in any other way? Describe how:
- Are there any unique non-sexual behaviors you perform during your sexual assaults that have special meaning to you (i.e. shaving pubic hair, painting symbols on the victim, positioning the victim's body, collecting souvenirs from the abuse, leaving something at the offense site, etc.)

- If/when you stopped sexually assaulting children, explain why you stopped
- Describe any sexual abuses/assaults that you have thought about/planned that you have not successfully initiated or completed.
- Did you experience sexual dysfunction during your sex crimes? Describe:
- What effect have your crimes had on the victim(s)? \*How do you feel about the effect on the victim? \*Have you had any contact with them?
- If you could, what would you say to the victim?
- Do you think your current charges (or sentence) will have any effect on your life? \*What type of effect? \*Good or bad? \*How long is your sentence? Do you feel it is a fair one? \*What kind of job did your lawyer do?
- Who or what is to blame for your offenses. \*Why do you commit crimes? \*Why did you start?  
\*What could you have done to avoid committing the offense? \*Have you ever tried to stop? How?
- What would help to keep you out of crime?
- What do you regret most about this offense? \*Why/why not? What is sentence?
- Attitude toward convention and social norms (supportive of or rejects or denies validity or worth associated with family, work, or society as a whole)?

## Collateral Interview Questions

### Family

#### *Home life/relationships*

- Did offender live with both natural parents until what age?  
Did he ever live outside of the home (foster care, grandparents)?
- Describe home life as a child (moved frequently, financially stable,).  
What did you and spouse do for a living?  
Did you move around much? (Why)  
Was lack of money a problem?
- What was offender's relationship with parents like (frequent arguments, secretive/open, was helpful, follow house rules)?
- What made him happy, sad, excited, and angry? Moreover, how did he react?
- What hobbies or interests did he have? Were you involved?

- What was offender's relationship with brothers and sisters like (distant, close, physical fights, and protective)?
- Did offender spend a lot of time around the house?
- What did offender do when he got into trouble around the house? How was he disciplined or punished, how often? How did he react?
- Did the offender ever runaway from home for more than a day and at what age? How often and why?
- Did offender ever have trouble sleeping through the night? (Somnambulism, night terrors)?
- Describe nature of relationships with peers. Any close friends? What were their ages relative to his? Describe
- Was offender ever picked on as a child?
- Did he tend to pick on other kids? Was he ever accused of threatening or picking on someone? Did he ever get involved in any physical fights?
- Involvement in thefts, vandalism, fire setting, or hurting animals?
- Did he ever have a caseworker with Children & Youth – involvement with Juvenile Probation, Police?
- Did he ever do things that he could have got into trouble but did not?
- Did he ever use drugs/alcohol?
- Was he ever involved in counseling?
- Was he ever prescribed medication to help with his mood or behaviors?
- Were you ever concerned for his safety because of things he did?
- What were circumstances the around him leaving the home? Did your relationship change after this?
- As an adult, did he ever borrow money or anything of substantial value (car, tools, etc.) from you? Did he pay it back?

***Education***

- How many schools did he attend? Regular classes or special education?  
Elementary                      Middle                      High - Did he graduate? (Why not?)
- Did he ever fail a grade?
- What were his marks like in elementary school and in high school?
- Did he have any learning or reading disabilities and specify how known (i.e., dyslexia; inability to read; dysphasia; loss of ability to understand or use language because of brain damage)?
- Ever truant? How often and what age?
- Did you attend any parent teacher conferences? What did the teachers say?
- Was he ever suspended, expelled, or asked to transfer? Why?
- Did he ever talk about what he wanted to do after high school?

***Employer***

- What positions did he hold?  
What were the duties?
- How long did he do that for? When?
- Was he a reliable employee?
- Did he ever get into trouble at work? (Late or absent, drinking/using drugs, horseplay)?
- Why did he leave the job? If fired why?
- Would you hire him again?
- How would you describe him in general?

## **Appendix 9-J: Assembling the Investigation Report**

Format of an investigation report is not vital to the assessment outcome. To the extent, however that formats are the same, readers can more easily/quickly obtain necessary information.

The following is a suggested guide to report format:

- Index of Reports/Documents
- Face Sheet
- First page of Investigative report.
- Subject interview
- Collateral interviews
- Informed Consent
- Defense Attorney letter/fax
- Court Order directing and assessment
- Index Offense/Instant Offense Information
- Children & Youth information related to Index offense and/or past information
- Prior offense documents
- DOC and PBPP records

## Appendix 9-K: Relapse Prevention Interview

*Developed by Richard Beckett, Dawn Fisher, Ruth Mann and David Thornton*

### Basic Principles of Scoring

Each response is scored from 0 - 2 according to whether the offender's response meets certain conditions. It is obviously not possible for this scoring guide to account for all possible responses. Therefore, if in doubt, please decide which of the following best describes the offender's response:

0 – The offender refuses to recognize risk or the need to develop coping strategies. He shows no understanding of relapse prevention concepts whatsoever.

1 – The offender does not refuse to acknowledge risk and has some understanding of relapse prevention issues, but this is general or unsophisticated and could do with further development.

2 – The offender has a clear and appropriate understanding of his offending behavior, risk factors, and relapse prevention concepts and has developed well thought out, realistic; and workable coping strategies.

Introduce these questions with the following words:

From the work that has been done with people who commit sexual offenses, it is known that they go through several stages before an offense can happen. It will be easier for you to avoid offending in the future if you are aware of these stages, and the factors that put you at risk, and you have worked out way of controlling them. This interview is to see how good you are at doing that.

Think about the sexual offense(s) you have committed and then answer the following questions. Even if you do not believe you would be at risk of offending again, consider the factors that would be important if you were.

You may wish to allot a time limit for each answer to be produced.

1a. What feelings or moods would put you at risk of sexual offending again? Describe at least two different moods that would put you at risk.

Answer: (A)

(B)

1b. How will you cope with such feelings or moods in the future? Describe at least two ways of coping with them that you could use to reduce the risk of you re-offending.

Answer: (A)

(B)

2a. What thoughts including sexual thoughts or fantasies, would put you at risk of sexual offending? Describe at least two different thoughts.

Answer: (A)

(B)

2b. How would you cope with such thoughts in the future? Describe at least two different ways of coping with such thoughts that you could use to reduce the risk of their leading to a sexual offense.

Answer: (A)

(B)

3a. What events might make you more likely to have feelings or thoughts that put you at risk of offending? Describe at least two different events.

Answer: (A)

(B)

3b. How would you cope with such events in the future? Describe at least two different ways of coping with each event that you could use to reduce the risk their of leading to a sexual offense.

Answer: (A)

(B)

4a. In what situations are you most likely to offend? What situations or places should you avoid?

Describe at least two situations or places.

Answer: (A)

(B)

4b. How would you cope if you were in these situations or places in the future? Describe at least two different ways of coping you could use to reduce the risk of each situation leading to a sexual offense.

Answer: (A)

(B)

5a. Many offenders go to considerable effort to set up a situation in which they can offend: How did you set up your offense situation(s)? Describe at least two different methods that you have used to set up a situation in which you could offend.

Answer: (A)

(B)

5b. What would be the warning signs that you were setting up another situation where you could offend? Describe at least two different warning signs.

Answer: (A)

(B)

6a. What sort of person would be most at risk from you? Describe this person in terms of looks, personality, age, attitudes, and so on.

Answer: (A)

(B)

6b. How would you cope if on meeting someone you began to have thoughts or ideas about offending? Describe at least two different ways of coping that you could use to reduce the risk of your committing a sexual offense.

Answer: (A)

(B)

7a. How might other people know you are at risk? Describe at least two different things they might see or observe.

Answer: (A)

(B)

7b: What would you do to obtain help if you were at risk of offending again? Describe at least two things you could do.

Answer: (A)

(B)

8. Who have you told fully about your past offending and enlisted to help you in preventing yourself from reoffending?

Answer: (A)

9a. Thinking about the excuses or justifications you used to give yourself permission to offend, describe at least two of them.

Answer: (A)

(B)

9b. How would you respond to such thoughts in the future. Describe at least two things you could say to yourself or do to stop this kind of thinking leading to sexual offending.

Answer: (A)

(B)

10a. Indicate on a scale of 0 to 10 the likelihood of you committing a sexual offense in the future (0 is not likely at all. 10 is extremely likely). What number best describes your risk?

Answer:

10b. Please explain why you have given this rating.

Answer:

# Appendix 9-L: Reading a RAP Sheet

Reading a RAP Sheet

## READING A RAP SHEET

Document Name: SOAB

PAGE 1 OF 1

BPP223-17106 - CHR 07/09/02 15:56:24 - 07/09/02 15:56:23 BT231ASHDNSM

\*\*\* RESPONSE FROM PA COMPUTERIZED CRIMINAL HISTORY FILE \*\*\*

ORI/PA022055G.NAI'4/  
 SOC/\_\_\_\_\_.FBI/  
 PUR/C. ATN/DLD/BAK  
 DOB/\_\_\_\_\_.SID/  
 .OPR/.

Identifying information entered by Beth, Marcia etc.

\*\*\* RESPONSE FROM PA CCHRI - BASED ON IDENTIFIERS ABOVE \*\*\*

NAM/\_\_\_\_\_. DOB/\_\_\_\_\_. SEX/\_\_\_\_\_. RAC/\_\_\_\_\_. DNA/N.  
 SID/\_\_\_\_\_. FBI/\_\_\_\_\_. III/M. RAP STATUS/AUTOMATED  
 11017/604. WGT/235. HAI/BLK. EYE/BRO. PRO-PAR MAX/05111996.  
 SOC/\_\_\_\_\_.  
 OTN/Z\_\_\_\_\_.00-4:M\_\_\_\_\_.4-5:EO\_\_\_\_\_.50-1:E9\_\_\_\_\_.1-G:C9\_\_\_\_\_.6-6:E1\_\_\_\_\_.4--3:F01\_\_\_\_\_.6:  
 H/\_\_\_\_\_.  
 OTHER NAMES/\_\_\_\_\_.  
 THIS CCHRI RECORD LAST UPDATED  
 02262002  
 FINGERPRINTS REQUIRED FOR POSITIVE ID

"M" indicates it is a multiple state offender  
 "S" means a single State offender

Date of Birth, Sex, Race, DNA on file

State Identification number, unique to the offender in PA. Every state assigns an offender their own SID #

An FBI number is generated for an offender when they have a finger print card. These are unique to the offender.

Record of Known alias

OTN is a unique number given to the Offender based on the offense charged. Some jurisdictions refer to this number if the case is prosecuted in at a District Justice court rather than a Common Please court

Date and Time the RAP sheet was generated

Date: 7/9/2002 Time: 3:58:58 PM

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## Appendix 9-M: Predictors of Sexual Recidivism

**Table 1**  
**Factors associated with recidivism among sexual offenders.**

Category	Type of Recidivism											
	Sexual			Violent non-sexual			Violent			Any		
Sexual Deviancy	.30	±.08	(5053; 32)	-.05	±.17	(1385; 10)	.19	±.08	(3155; 17)	.04	±.08	(6555; 19)
Antisocial Orientation	.23	±.04	(23,012; 65)	.51	±.07	(8283; 24)	.54	±.05	(13,065; 28)	.52	±.04	(15,988; 43)
Sexual Attitudes	.16	±.12	(2370; 14)	.17	±.22	(732; 6)	.14	±.11	(1598; 9)	.24	±.10	(1053; 9)
Intimacy Deficits	.15	±.11	(2852; 22)	.12	±.21	(822; 6)	.12	±.12	(1197; 8)	.10	±.10	(1715; 15)
Adverse Childhood Environment	.09	±.08	(7259; 27)	-.02	±.17	(2256; 7)	.14	±.08	(5041; 14)	.11	±.07	(5044; 15)
General Psychological Problems	.02	±.10	(3208; 19)	.21	±.14	(2089; 8)	.00	±.10	(1974; 10)	-.04	±.11	(1658; 11)
Clinical Presentation	-.02	±.09	(5094; 24)	.16	±.20	(2090; 5)	.09	±.09	(3849; 12)	.12	±.08	(4714; 18)

*Note: Values are averaged d values, followed by their 95% confidence interval, the total sample size and the number of studies (k).*

*Tables excerpted from: Predictors of Sexual Recidivism: An Updated Meta-Analysis 2004-02*

**Table 2**  
**Selected predictors of sexual recidivism.**

<b>Variable</b>	<b>Average <i>d</i></b>	<b>Median <i>d</i></b>	<b>Q</b>	<b>Total (<i>k</i>)</b>
Possible dynamic risk factors				
Any deviant sexual interest	.31 ± .10	.36	21.91	2,769 (16)
Sexual preoccupations	.39 ± .16	.51	8.31	1,119 (6)
Antisocial personality disorder	.21 ± .10	.29	13.01	3,267 (12)
Psychopathy Checklist - Revised	.29 ± .09	.25	14.36	2,783 (13)
General self-regulation problems	.37 ± .11	.34	22.85	2,411 (15)
Employment instability	.22 ± .09	.15	20.88	5,357 (15)
Hostility	.17 ± .13	.16	12.69	1,960 (9)
Potentially misleading risk factors				
Force/violence in sex offending	.09 ± .07	.00	29.28	7,221 (25)
Neglect or abuse during childhood	.10 ± .09	.00	27.43	5,490 (18)
Sexual abuse during childhood	.09 ± .10	.02	24.44	5,711 (17)
Loneliness	.03 ± .13	.02	5.79	1,810 (6)
Low self-esteem	.04 ± .16	.03	10.12	1,424 (10)
Lack of victim empathy	-.08 ± .13	-.01	0.92	1,745 (5)
Denial of sexual crime	.02 ± .17	-.02	11.72	1,780 (9)
Low motivation for treatment at intake	-.08 ± .13	-.04	13.83	1,786 (12)
Poor progress in treatment (post)	.14 ± .17	.11	9.35	1,118 (7)

**Note:** Each mean is followed by its 95% confidence interval. Total is number of subjects; k is the number of studies. All Q values were not significant,  $p > .05$ .

**CHAPTER 10 — MANAGEMENT OF SEX OFFENDERS IN  
CORRECTIONAL SETTINGS**

## Overview

This chapter provides information to help the reader understand the management of sex offenders incarcerated at a PA Department of Corrections (DOC) state correctional facility, a county jail, or prison. An understanding of the sex offender's experience will enhance successful management of the sex offender released from a state or county facility. Successful management of the offender in the community will also be enhanced through the meaningful exchange of information between the institution or facility and the supervising agency, agent, and/or parole officer. Communication with the offender and institutional staff is both valuable and essential to the effective transition of the offender from the institution to the community.

Pennsylvania has two correctional systems, commonly known as state and county. In general, those serving a sentence of less than two years will be housed in county prisons or jails, and those sentenced to a term greater than two years will be incarcerated in a state prison. Offenders can serve up to five years at a county facility.

## Pennsylvania Department of Corrections

### Reception

The PA Department of Corrections (DOC) maintains a structured diagnostic and classification process that begins when the inmate is initially received. All male offenders enter the DOC through the State Correctional Institution at Camp Hill, PA. Female offenders enter the DOC through the State Correctional Institution at Muncy, PA.

The complete diagnostic and classification process occurs over a four-six week period. Newly committed offenders are separated from general population inmates. When an offender is received at the Diagnostic and Classification Center (DCC), reception staff reviews the identification of committing authorities and the newly committed offender. They also review the commitment documents and Act 84 information for accuracy, then computes the sentence structure. It is important to note that Act 84 stipulates that information regarding the offender's crimes, medication treatment, fines, costs, and restitution are provided to the DOC.

Initial medical screenings rule out obvious medical problems and emotional distress. Psychiatric evaluations are conducted in cases where there is a documented history of prior mental health treatment and/or psychiatric symptoms are evidenced. Staff also administers personality inventories, IQ and academic achievement tests, and the Treatment Community Unit screening instrument, which assesses the presence and level of drug and alcohol abuse. Individual interviews further define the offender's security and treatment needs.

DNA samples are collected from all inmates convicted of a felony. An inmate's blood sample is taken and sent to the Pennsylvania State Police (PSP) for analysis and profiling. The Pennsylvania Additive Classification Tool (PACT) recommends a custody level ranging from 2 (minimum) to 4 (close). The custody level determines the amount of control needed to manage inmates.

A classification summary, which includes such things as the offender's criminal history, previous and current institutional adjustment, and educational and work history, is prepared for use by

staff at the programming facility. The summary guides initial institutional placement based on the offender's custody level and program needs. Once the offender is transferred from the DCC to the receiving programming facility, he/she is further assessed for programming needs.

### **Risk Assessment**

Further assessment of the sex offender is completed at the programming facility. This assessment involves a treatment provider who is trained in the use and implementation of the STATIC-99. This is a widely used actuarial tool that completes a comprehensive assessment of static and dynamic risk factors prior to the onset of treatment. The objectives of the assessment include determining the offender's level of risk of sexual recidivism, as well as his/her individual treatment needs. The initial assessment includes a structured interview, a thorough case file review, and the use of the STATIC-99—the latter of which establishes a baseline level of static risk.

Psychosocial history data, including an assessment of the offender's motivation for treatment and attitudes toward his/her offense(s), are gleaned during the pre-treatment assessment interview. The treatment provider conducts this interview. Through observations in treatment and housing environments, dynamic risk factors are to be re-assessed during and after the treatment process. Of particular concern to the DOC are dynamic risk factors that are acute in nature or may change most rapidly, and/or are most closely associated in time with the onset of offending behavior. These factors must be clearly identified and articulated for the post-release supervising authority and treatment provider.

Because the STATIC-99 is not comprehensive, the derived level of static risk, in some cases, is adjusted based on the presence of specific additional static and/or dynamic risk factors that have been empirically linked to sexual recidivism.

### **Risk Factors**

- Indication that the offender is at high risk for general recidivism based on Level of Services Inventory-Revised (LSI-R) scores (if available);
- Indication that the offender maintains attitudes that support sexual offending (e.g. articulates a belief that children are not harmed by sexual activity with adults);
- Indication that the offender has a primary sexual attraction to children and/or becomes sexually aroused by violence (deviant arousal);
- Indication that the offender has engaged in a high degree of deviant sexual behavior, rather than appropriate sexual behavior;
- Indication that the offender has serious emotion management/impulsivity problems;
- Indication that the offender has a significant history of conflict-ridden intimate relations; and/or
- Documented evidence of an early-onset of sexual offending behavior.

STATIC-99 scores translated into low and low-moderate risk categories are adjusted upward (moderate/high risk) in cases where the presence of the stable dynamic risk factor can be confidently identified (deviant arousal). To show presence, there should be documentation of a pattern of deviant behavior evidenced by multiple offenses and/or victims over an extended

period of time. STATIC-99 scores translated into low and low-moderate risk categories are also adjusted upward (moderate/high risk) in cases where four or more of the above risk factors are confidently identified.

### **Treatment**

Currently, sex offender-specific treatment is offered and implemented at all DOC facilities, excluding Quehanna Boot Camp, located in Karthouse, in Clearfield County. The DOC uses a treatment program entitled *Responsible Living- A Sex Offender Treatment Program*. Initially published in 1998 by the Medlin Training Institute, *Responsible Living* is a highly structured, sex offender-specific treatment program designed for the male sex offender and is based on the cognitive-behavioral, relapse prevention approach. The program is contained in a comprehensive eight-volume, 918-page treatment manual. It includes seven treatment phases that target a number of criminogenic needs. Each treatment phase includes reproducible handouts and “homework” for offenders.

### **Treatment Phases (non-sequential)**

- Responsibility-taking: This phase focuses on encouraging offenders to admit to their sexual offending and to take responsibility for their behavior.
- Behavioral Techniques: Clients learn behavioral techniques to control and decrease their deviant sexual arousal.
- Emotional Well-being: Offenders examine their own childhood experience and how it has affected them. Many sex offenders were themselves abused.
- Victim Empathy: Offenders are presented with materials and exercises to help them gain empathy for their victims.
- Anger Management: Offenders learn healthy ways to express anger.
- Sex Education: Offenders learn about healthy sexuality, sexual anatomy, and sexual development.
- Relapse Prevention: Offenders identify high-risk factors that may include high-risk emotions, thoughts, physical sensations, environments, and behaviors. This phase also helps the offender distinguish between different types of risk factors, including external and internal risk factors: early (predisposing); immediate (precipitating); and ongoing (perpetual). The offender learns escape and avoidance strategies to cope with high-risk situations, and learns ways to interrupt the offense cycle. He/she also learns to distinguish adaptive from maladaptive coping strategies and works to increase the frequency of adaptive coping responses.

Because the program has seven phases and the order of their presentation is not necessarily fixed, good record keeping allows for enrollment of new members at the onset of each new treatment phase. This is particularly suitable for DOC, as new offenders are continually being received. Recently received offenders who have been integrating into existing treatment groups may be spared otherwise protracted waiting periods.

**Treatment Program Goals**

- Reduced recidivism;
- Increased public safety;
- Increased victim empathy; and
- Increased awareness of the need for on-going treatment.

**Treatment Program Objectives**

- Gain control over his/her deviant sexual urges and behavior.
- Accept responsibility for his/her sexual offending and its consequences.
- Recognize thinking errors and be able to correct them.
- Identify his/her offense cycle and interrupt them when high-risk behaviors begin.
- Show empathy for his/her victim(s).
- Express thoughts and feelings in a healthy manner.
- Resolve issues from childhood, such as past victimization, trauma, and losses.
- Increase healthy social interactions with others his/her age.
- Control his/her anger in a healthy way.
- Demonstrate and follow a sound relapse prevention plan.

**Point-based Reward System**

To meet the goals and objectives of the treatment program, *Responsible Living* employs a point system to provide offenders with prompt reinforcement for satisfactory homework completion. This point system also enhances program attendance and participation, and ensures more objective criteria are used to determine successful program completion.

To successfully complete the program, the offender must accrue 85 percent of the total possible points, the number of which varies, depending on the size and speed of the particular group.

- Attendance – 2 points;
- Participation – 1 or 2 points, depending on quality;
- Homework completion – 1 or 2 points, depending on quality; and
- Completion of major projects – 1 point for each of the seven treatment phases.

**Treatment Levels**

*Low-intensity treatment* consists of three of the seven above-described treatment phases, including Responsibility-Taking, Sex Education, and Relapse Prevention. This level of treatment is recommended for sex offenders assessed at relatively low risk of sexual recidivism. *High-intensity treatment* consists of all seven above-described treatment phases and is recommended for sex offenders assessed at moderate- to high risk for sexual recidivism. Given a motivated offender who accepts responsibility for his/her sexually abusive conduct, low-intensity treatment requires approximately nine months to complete, while high-intensity treatment requires approximately 27 months to complete.

Successful completion of the program is well documented and communicated to facility administrators and decision makers from the Pennsylvania Department of Probation and Parole (PBPP). A *Summary of Progress in Sex Offender Treatment* is completed in conjunction with a Pennsylvania Clinical Risk Assessment (PCRA) for those who complete the program and are being reviewed for parole. Static and dynamic risk factors (both stable and acute) are routinely copied to the institutional parole agent.

Currently the State Correctional Institutions at Albion, Camp Hill, Cresson, Houtzdale, Laurel Highlands, Mahanoy, Rockview, and Waymart, PA each has Sex Offender Units (SOUs). These facilities maintain housing units exclusively for offenders currently participating in the Sex Offender Treatment Program (SOTP). Treatment groups are conducted within the SOUs. All other facilities have their sex offender populations spread throughout the general population, and treatment is offered on an “outpatient” basis. Offenders come from the general population to group treatment sessions once a week and typically are conducted where treatment staff maintains offices.

In January 2007, the DOC will pilot a modified *Therapeutic Community* (TC) for sex offenders assessed at moderate- to high-risk for sexual recidivism. This program will significantly increase the intensity of treatment, as proposed. If this pilot project proves successful in enhancing treatment quality and effectiveness, it likely will be adopted for use across DOC facilities that currently maintain SOUs. This is where the DOC would concentrate treatment of higher-risk sex offenders.

### **Community Corrections Centers**

The DOC operates 14 Community Corrections Centers (CCCs). Private vendors operate 37 correctional facilities throughout the Commonwealth. Currently, 12 of the 14 CCCs operated by the DOC accept sex offenders. A limit is consistently placed on the number of sex offenders CCCs will accept at any one time; the limit varies among CCCs.

Sex offenders paroled to CCCs must follow its rules, in addition to their individualized parole stipulations. Supervision is intensive and the offender is required to participate in outpatient sex offender-specific treatment.

The DOC maintains contracts with treatment providers throughout Pennsylvania. Providers are required to establish a treatment team composed of therapists, Bureau of Community Corrections staff, PBPP staff, and other pertinent individuals. This team meets at least monthly to discuss the treatment plan, evaluate the offender, and make recommendations regarding program maintenance and treatment plan modifications. Offenders in the CCCs participate in at least two hours of group treatment twice weekly, and one hour of weekly individual treatment. The offender must develop a plan to prevent relapse and provide a social support system.

### **Pennsylvania County Prisons and Jails**

Sex offender management in the county jails and prisons should not differ substantially from state correctional facilities. Sex offenders in county jails pose no less risk than sex offenders who serve state prison sentences. Risk to sexually re-offend goes to the individual sex offender, not the offense he/she has pleaded to or the facility where he/she is housed. It is still possible to

provide components of an effective system, even when sex offender programming is seriously challenged by the average length of inmate stay (120 days). County jails can have sex offender reception, housing, treatment, risk assessment, record keeping, and collaboration.

### **Reception**

Initially, the sex offender who enters the county jail or prison must be held at high status, where precautionary steps must be taken to ensure safety for both the offender and general jail population. The jail develops the offender file, gathers records and information to promote inmate safety, and plans for re-entry.

The county jail should receive the affidavit of probable cause when the defendant is incarcerated. Records and history should be noted in the offender's legal file. AFIS is the automated fingerprint identification system the Pennsylvania Justice Network (J-NET) uses to report the offender's legal status. C-PIN should provide for electronic fingerprint. In 2006, PBPP implemented the Commonwealth Photo Imaging Network (C-PIN) in each district office. C-PIN allows criminal justice authorities to search an internet-based database of over two million arrest photos and share information on offenders. Regular updating of offender photos is an extremely helpful tool when supervising parolees who are prone to alter their appearance often, such as sex offenders. By using C-PIN for regular photo updates of offenders, PBPP and other authorities have instant access to thousands of images of offenders under PBPP supervision. Pennsylvania is one of a few states in the country using this type of technology.

Megan's Law status should be verified. The jail or prison should clearly delineate the sex offender's file from non-sex offenders via color-coding or another memory-provoking device. Records should be developed and maintained where all those involved in the housing of the sex offender record made detailed behavioral observations. DNA should be collected within 24 hours and sent to the PSP laboratory within the next 24 hours. It is important to note that DNA should be taken at the location where the offender will do his/her time.

### **Visitor Lists**

Sex offender visitation should never promote victimization. The jail or prison should provide a questionnaire for a proposed visitor to complete. The completed questionnaire should be reviewed by prison staff to determine the appropriateness of all visitors. Prison staff should consult with probation and parole staff and/or at least the affidavit of probable cause and criminal complaint to determine if a specific visitor is at risk from the offender. It is also necessary to determine if the offender's progress in treatment and programming may be jeopardized. Past or present sexual assault victims should never appear on visitor's lists.

Institutions cannot place "blanket" denial of all minors on a sex offender's visitor list. Restrictions must be applied to individuals, other than where information exists from a parole or probation agent. Note should be made that the denial of all minors as visitors was made per agent's or officer's determination.

### **Risk Assessment**

Sex offender risk assessment enables the facility to separate sex offenders for treatment and management purposes according to their risk to recidivate sexually, and criminally in general.

Risk tools, such as the LSI-R, evaluate for risk to re-offend and program or treatment needs. . Meanwhile, current usage tools, such as Static-99 or RRASOR, specifically address sex offending. County facilities—although challenged by staffing issues, an offender’s length of stay, and the offender’s status (pre-trial, work release, post-conviction)—should understand the tools, the information required in the instruments, and test usefulness, minimally.

### **Treatment**

The total number of sex offenders, the relatively short length of stay, and the lack of qualified staff and financial resources may limit treatment in the county jail or prison. County jails can provide sex offender-specific treatment through prison staff, contracting with outside vendors, and/or permitting access to outpatient treatment at the work-release level. It is important to note that sex offenders who are in treatment while on work release are not yet registered with the PSP registry. Police departments that serve jurisdictions where the offender will travel and receive treatment should be notified of the treatment schedule.

Only qualified persons or agencies should be selected to conduct sex offender treatment. Jails can evaluate prospective providers against the standards set by the Sexual Offenders Assessment Board.

County prison staff should have special training to understand sexual offending dynamics and factors related to sexual re-offending. Any staff person who wishes to conduct treatment or treatment readiness programs should be trained accordingly.

County sex offender treatment, particularly for short-term offenders, at least can provide treatment readiness programs. Offenders can learn the group process, become more comfortable making disclosures, and begin to break down existing cognitive distortions. The full range of treatment extends from psycho-education and support groups through intensive treatment.

Educational programs deal with a variety of topics, including human sexuality and denial. A program that recognizes denial as a process and a continuum of acceptance of one’s sexual offending behavior affords the sex offender greater treatment readiness when paroled. Institutional treatment does not preclude the need for community treatment. Offenders must clearly understand that their participation in prison treatment is likely the beginning of their treatment experience.

Prison treatment programs should clearly inform the offender of confidentiality limits. Offenders should understand that sex offender treatment is a collaborative process that involves sharing all relevant information to an extensive list of stakeholders. Written release should be obtained from the offender.

**Prison Reports**

There are three primary types of prison reports relevant to this discussion.

- **Assessment Reports**

These are begun immediately to collect information relevant to the treatment and management of the sex offender (see risk assessment).

- **Conduct Reports**

These are maintained for use by prison personnel, field agents, the SOAB, and treatment providers. A detailed accounting of rules violations may indicate risk factors to be considered when release is planned.

- **Clinical Reports**

These are detailed reports about the offender's mental health history, treatment, and medication needs. Compliance with treatment/medication should be noted, as these behaviors may be a precursor to re-offending (dynamic risk factors). Detailed summaries should be provided to agents and treatment providers. Release of information forms should be obtained and limits to confidentiality should be noted.

**CHAPTER 11 — SEX OFFENDER REGISTRATION AND COMMUNITY  
NOTIFICATION (Revised 5/2007)**

## **Overview**

This chapter includes a brief summary of Pennsylvania's Registration of Sexual Offenders statute. It is intended to provide staff with basic information regarding the provisions of the law, as well as a quick reference guide to procedures and agent activities required to accomplish the registration process. This chapter includes information on provisions of law, sex offender registration, and community notification.

### **Provisions of the Law**

- Establishes a process to identify sexually violent offenders who are truly predators;
- Requires sex offenders and sexually violent predators to register with the Pennsylvania State Police;
- Creates a process for notifying communities when those persons identified as sexually violent predators move into their communities; and
- Provides for information on all registered sex offenders to be available to the public through the Internet.

### **Sex Offender Registration**

Pennsylvania's sex offender registration law requires offenders convicted of certain offenses to register for a period of 10 years. Offenders convicted of more serious offenses, those designated as sexually violent predators, and those with two or more offenses requiring 10-year registration must register for life. The state registry of sex offenders and sexually violent predators (Megan's Law website) is maintained by the Pennsylvania State Police.

### **10-Year Registration and Applicable Offenses**

Offenders convicted, paroled, or commencing a period of probation or intermediate punishment for one of the following offenses must register for a 10-year period:

- Kidnapping, where the victim is a minor (18 Pa. C.S. § 2901);
- Luring a child into a motor vehicle (18 Pa. C.S. § 2910);
- Institutional sexual assault (18 Pa. C.S. § 3124.2);
- Indecent assault, where the offense is a misdemeanor of the first degree, or higher (18 Pa. C.S. § 3126);
- Incest, where the victim is 12 years of age or older, but under 18 years of age (18 Pa. C.S. § 4302);
- Prostitution and related offenses, where the actor promotes the prostitution of a minor (18 Pa. C.S. § 5902(b));
- Obscene and other sexual materials and performances, where the victim is a minor (18 Pa. C.S. § 5903(a)(3), (4), (5), or (6));
- Sexual abuse of children (18 Pa. C.S. § 6312);
- Unlawful contact with minor (18 Pa. C.S. § 6318);
- Sexual exploitation of children (18 Pa. C.S. § 6320);

- Offenders convicted of an attempt to commit any of the offenses under 10-year registration or lifetime registration;
- Offenders convicted in jurisdictions outside the Commonwealth of an equivalent offense listed under the 10-year registration; where the conviction occurred in another state; territory; federal court; the District of Columbia; where the offender was sentenced by court martial; or where the offender was required to register under a sexual offender statute in the jurisdiction where the offender was convicted; and the offender
  - Currently resides in the Commonwealth or;
  - Is employed or carries on a vocation in the Commonwealth or;
  - Is a student in the Commonwealth.

Note: Offenders convicted in other jurisdictions are subject to a period of registration equal to that of their jurisdiction of origin. This may exceed 10 years, but can be no less than 10 years.

### **Lifetime Registration and Applicable Offenses**

Offenders convicted, paroled, or commencing a period of probation or intermediate punishment for the following offenses must register for life:

- Offenders with two or more convictions of any of the offenses set forth under the 10-year registration;
- Rape (18 Pa. C.S. § 3121);
- Involuntary deviate sexual intercourse (18 Pa. C.S. § 3123);
- Sexual assault (18 Pa. C.S. § 3124.1);
- Aggravated indecent assault (18 Pa. C.S. § 3125);
- Incest, where the victim is under 12 years of age (18 Pa. C.S. § 4302);
- Offenders designated by the court as sexually violent predators;
- Offenders convicted in jurisdictions outside the Commonwealth of an equivalent offense listed under lifetime registration, where the conviction occurred in another state; territory; federal court; the District of Columbia; where the offender was sentenced by court martial; or where the offender was required to register for lifetime under a sexual offender statute in the jurisdiction where the offender was convicted; and the offender
  - Currently resides in the Commonwealth or;
  - Is employed or carries on a vocation in the Commonwealth or;
  - Is a student in the Commonwealth.

### **General Registration Requirements**

Offenders must register with the Pennsylvania State Police (PSP): on release from incarceration; on parole from a state or county correctional facility; or on the commencement of a sentence of intermediate punishment or probation.

- Offenders are required to notify the PSP within 48 hours of any change of residence or establishment of an additional residence(s).

- Offenders are required to notify the PSP within 48 hours of any change of employer or employment location.
- Offenders are required to notify the PSP within 48 hours of any change of institution or location at which the offender is enrolled as a student, or termination of enrollment.
- Offenders are required to notify the PSP within 48 hours of becoming employed or enrolled as a student if the offender has not previously provided that information to the PSP.
- Offenders are required to register with the appropriate law enforcement authorities in another state within 48 hours of establishing a residence in another state.
- Offenders convicted in jurisdictions outside Pennsylvania must register with the PSP within 48 hours of establishing a residence, being employed, or becoming a student in Pennsylvania.
- The 10-year registration period shall be tolled when an offender is recommitted for a parole violation or sentenced to an additional term of imprisonment. (In such cases, the PA Department of Corrections or county correctional facility will notify the PSP of the admission of an offender.)

### **Access to the Registry**

Pennsylvania's Sex Offender Registry is maintained by the PSP. Pennsylvania's statute is very specific about what information may be released to the public. Currently, all information legally permitted for release is posted on the PSP Megan's Law website:

<http://www.pameganslaw.state.pa.us>

The following information on registered Sexually Violent Predators (SVPs) and Sexual Offenders will be available on the website beginning June 4, 2007:

- Name and all known aliases;
- Year of birth;
- The street address, municipality, county, and zip code of all residences, including where applicable, the name of the prison or other place of confinement,
- The street address, municipality, county, zip code, and the name of any institution or location at which the offender is enrolled as a student;
- The municipality, and zip code of any employment location;
- A photograph of the offender, which shall be updated not less than annually;
- A description of the offense, which triggered registration; and
- The date of offense and conviction, if available.

Also on the website:

- A physical description of the offender, including sex, height, weight, eye color, hair color, and race;

Any identifying marks, including scars, birthmarks and tattoos;

- The license plate number and description of any vehicle owned or registered to the offender;
- Whether the offender is currently compliant with registration requirements;

- Whether the victim is a minor.

Note: State law prohibits the release of street addresses for Sex Offenders.

## Community Notification

Community notification can take place only in two circumstances:

- In cases where the convicted sex offender is determined by a court to be a SVP<sup>5</sup>; and
- When an out-of-state offender is subject to active notification<sup>6</sup> in their state of origin, regardless of whether or not the offender is classified as a SVP.

The PSP will provide community notification flyers to the police departments with primary jurisdiction over the municipalities where the SVP or out-of-state offender resides. Included with the community notification flyers are instructions for the police departments on how to perform community notification.

### Community Notification Flyer Information

- The name of the SVP or out-of-state offender;
- The address or addresses at which the SVP or out-of-state offender resides;
- The offense for which the SVP or out-of-state offender was convicted;
- A statement that the SVP or offender has been determined by court order to be a SVP, or a statement that the out-of-state offender is subject to active notification by his/her state of origin; and
- A photograph of the SVP or out-of-state offender, if available.

Note: The community notification flyers *will not* include any information that might reveal the victim's name, identity, and residence.

The chief law enforcement officer of the police department of the municipality where a SVP or out-of-state offender resides is responsible for community notification.

- The director of the county children and youth service agency of the county where the SVP or out-of-state offender resides;
- The superintendent of each school district and the equivalent official for private and parochial schools enrolling students through grade 12 in the municipality where the SVP or out-of-state offender resides;

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<sup>5</sup> A "Sexually Violent Predator" is a person who has been convicted of a sexually violent offense as set forth in 42 Pa.C.S. § 9795.1 (relating to registration) and who is determined to be a sexually violent predator under 42 Pa.C.S. § 9795.4 (relating to assessments), due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator where the determination occurred in the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, a foreign nation, or by court martial. 42 Pa.C.S. § 9792.

<sup>6</sup> Active notification is notification pursuant to 42 Pa.C.S. § 9798 (relating to other notification) or any process whereby law enforcement, pursuant to the laws of the United States of one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico, or a foreign nation, notifies persons in the community in which the individual resides, including any person identified in 42 Pa.C.S. § 9798(b), of the resident, employment, or school location of the individual. 42 Pa.C.S. § 9792.

- The superintendent of each school district and the equivalent official for each private and parochial school located within a one-mile radius of where the SVP or out-of-state offender resides;
- The licensee of each certified day care center and licensed preschool program, and owner/operator of each registered family day-care home in the municipality where the SVP or out-of-state offender resides; and
- The president of each college, university, and community college located within 1,000 feet of a SVP or out-of-state offender residence.

### **Victim Notification**

#### **Victims of Sexually Violent Predators**

- Where an individual is determined to be a SVP by a court, the police department of the municipality where the SVP resides must give written notice to the victim of the SVP within 72 hours after the SVP registers or notifies the PSP of a change of address.
- The notice must contain the SVP's name and the address or addresses where he/she resides.
- The victim may terminate the notification by providing the police department of the municipality where the SVP resides with a written statement, releasing that department from the duty to notify. The victim can reinstate the duty to notify if they desire. The request to reinstate notification shall be made in writing to the PSP, Megan's Law Section.

#### **Victims of Sex Offenders<sup>7</sup>**

Where an individual is not determined to be a SVP by a court, the victim will be notified in accordance with Section 201 of Act 111 of 1998 (P.L. 882, No. 111), known as the Crime Victim's Act.

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<sup>7</sup> An offender is an individual required to register under 42 Pa.C.S. § 9795.1(a), (b)(1) or (2)(relating to registration). 42 Pa.C.S. § 9792.

**CHAPTER 12 — SUPERVISION OF SEX OFFENDERS**

## Overview

Community and victim safety must be the primary objective of sex offender supervision. The offender's potential for re-offense must remain paramount in the minds of staff responsible for the supervision of sex offenders. The implications of re-offense and further victimization are extremely serious given, the nature of these types of offenses.

Sex offenders are not like other offenders; factors such as stable employment, financial stability, offender compliance, and a prosocial lifestyle may not necessarily indicate a reduced level of risk. Behaviors serving as precursors to re-offense are often subtle and seemingly unrelated to sexual deviance.

This chapter provides information to help the agent establish rules and conditions of supervision, develop case plans, develop supervision networks, and respond appropriately to violations. It also includes information to assist staff members who work with both the victim's and family and household members, as well as the offender's.

### **Critical Elements of Effective Supervision**

- The level of supervision must be directly related to the risk the offender presents.
- There must be early intervention and immediate response to violations to control risk.
- Personal, community, and professional supervision networks should be used to help monitor, modify, and control an offender's behavior.
- The offender must not be allowed to remain anonymous

Regular contact with individuals who routinely interact with the offender is a critical element of a sex offender's case plans. Family members, employers, friends, Alcoholics Anonymous/Narcotics Anonymous sponsors, treatment providers, etc., may provide insight into offender behaviors that are indicative of possible relapse. These individuals can also help to monitor the offender's behavior and support rehabilitative activities.

Close coordination with law enforcement and other community agencies is another important element of supervision. Active, coordinated supervision and participation in treatment and correctional programming can provide increased offender accountability. Moreover, it can provide opportunities for the offender to obtain knowledge and skills to prevent relapse and avoid re-offense.

Case plans for sex offenders should include activities and restrictions that:

- Reduce offender access to potential victims,
- Provide the means to closely monitor offender activities; and
- Provide the offender with opportunities to learn ways to manage and control sexually deviant behavior.

Finally, prompt response to all violations is essential. Violations that might be considered minor for other types of offenders are frequently serious for sex offenders. Seemingly insignificant violations may support or be closely related to the offender's pattern for sexually deviant behavior. Even minor rules violations often warrant revocation for sex offenders.

### **Goals of Supervision**

- Reduce offender risk for re-offense.
- Implement risk management strategies and tools.
- Maximize offender accountability.
- Prevent further victimization.
- Reduce recidivism.
- Provide effective treatment for sex offenders.
- Provide opportunities for successful offender reintegration into the community and family, as appropriate.
- Educate the public.
- Address specific safety needs of the victim.
- Provide victim restitution.

### **Case Documentation**

Accurate and thorough documentation of information should be maintained in all case files. Case records should document the following:

- Offender demographics;
- Assessment processes and findings;
- Criminal history;
- Case plans;
- Contacts with the offender;
- Contacts with the victim, family members, law enforcement employer, and treatment providers;
- Home visit observations;
- Treatment plans, progress reports, and discharge summaries;
- Completion of all procedures specific to cases that require Special Bulletin Notification;
- Violations;
- Dispositions of violations;
- Megan's Law registration confirmation;
- DNA collection confirmation; and
- Revocation information, including prior supervision history.

### **Case Management**

Supervising sex offenders is a multifaceted activity that requires agents to adopt various roles and work closely with a variety of other professionals, as well as family members, employers, and those who have safety concerns or who routinely interact with the offender. A high level of

vigilance is required to anticipate and detect offender activities that increase the risk for re-offending and/or maintaining deviant thoughts and behaviors.

### **Supervision Requirements**

- Review general and special conditions of probation or parole.
- Complete all processes required for sex offenders as established by the Pennsylvania Statute (Megan's Law).
- Maintain all contacts—face-to-face, collateral, employment, and home visits consistent with agency standards.
- Reductions in classification and supervision level require supervisory approval and must be considered when using a risk/needs assessment.
- Recommended best practices require maximum or medium supervision levels.
- Minimum or administrative supervision levels are not generally recommended.
- Classification and supervision at minimum or administrative levels should only be considered under exceptional circumstances; such reduction requires the approval of the regional director, chief, or their designee.
- The supervisor must sign all travel permits.
- Victim(s) location, if known, should always be considered.

### **Supervision Principles and Strategies**

- Recognize the high-profile nature of sex offenders.
- Impose rules and conditions that reduce an offender's access to past and potential victims.
- Provide the means to closely monitor offender activities.
- Provide opportunities for the offender to learn to manage and control sexually deviant behavior.
- Complete a research-based sex offender specific risk assessment (such as the Static-99) to help determine the offender's risk, unless the treatment provider previously completed this for the post-sentencing investigation or as part of intake.
- Maintain on-going contact with the offender's partner or spouse, family members, and employers to monitor the offender's behavior and compliance, and to assess the offender's stability and quality of relationships with others.
- Maintain regular contact with the treatment provider; monthly meetings to review progress are strongly recommended.
- Require offenders to pay for treatment, unless the offender is indigent.
- Regularly review offender relapse prevention plans and include them as part of the case file.
- Maintain awareness that offender compliance does not necessarily indicate a reduction in risk level.
- Thoroughly investigate all unusual and suspicious events or activities, rather than relying simply on the offender's explanation.

- Consider all violations as serious. Seemingly insignificant violations may be indicative of behaviors that support or contribute to the offender's sexual deviance.
- When possible, personally interview adult victims about any violations and include a victim advocate, when possible.
- Interview parents of child victims, rather than child victims themselves.
- Avoid re-victimization by using other sources of information to obtain details of offender violations, such as police, social services, and medical reports.
- Review transfer-in case files for compliance with processes required for sex offenders as established by law and agency policy.

**Case Planning Objectives**

- Reduce offender access to past and potential victims.
- Provide the means to closely monitor offender activities.
- Provide opportunities for the offender to learn to manage and control sexually deviant behaviors.
- Restore the victim and community.

**Restrictions, Activities to Reduce Access to Victims**

- Institute contact restrictions that limit the offender's access to victim(s), the victim's family members, and those under age 18.
- Restrict activities.
- Restrict volunteer activities.
- Restrict computer use.
- Only permit agent-approved employment.
- Only permit agent-approved residence.
- Institute curfews.
- Use electronic monitoring.

**Restrictions, Activities to Monitor the Offender**

- Institute intensive and enhanced sex offender supervision standards.
- Use personal, community, professional networks, and agent contacts with family and household members, employers, treatment providers, and law enforcement.
- Conduct regular meetings with the offender, the offender's support system, and employer to review restrictions and obligations
- Employ electronic monitoring.
- Use urinalysis as a tool.
- Enforce a "no chemical usage" rule.
- The offender may not patronize establishments that sell or serve alcohol.
- Use polygraph to assess treatment progress.

- Restrict computer use.
- Restrict the offender from possessing medications or supplements designed or intended to enhance sexual performance or to treat erectile dysfunction.

**Activities for Offender Self-Control**

- Undergo treatment and correctional programming.
- Undergo psychosexual assessment.
- Undergo alcohol or drug (AOD) assessment and treatment.
- Maintain regular contact with the treatment provider.
- Document dates and times of treatment.
- Understand treatment participation and completion requirements.
- Assume responsibility for costs.
- Endure consequences of unsuccessful completion.
- Complete education and assignments specific to the offense.
- Participate in a family reunification plan, if appropriate.

**Activities to Restore the Victim**

- Restitution as ordered by the court.
- The offender pays for the victim's counseling or therapy.
- The offender performs community service, preferably that which is meaningful to the victim.

**Activities to Repay, Protect the Community**

- The offender pays all supervision fees.
- The offender performs community service.
- The offender registers.
- The offender maintains face-to-face contact with law enforcement.
- The offender undergoes DNA testing.

**Supervision Rules and Conditions**

The dynamics of sexual deviance are complicated, pervasive, and frequently impact most areas of the offender's life. Effective supervision of sex offenders requires the imposition of rules and conditions that address offender issues, impulses, and behaviors that are intensely personal, private, and sensitive. The process of developing and imposing rules and conditions can cause discomfort for both the offender and the agent.

At first glance, rules for sex offenders may appear onerous, extreme, or overly cautious. However, when these rules are considered within the context of an offender's criminal history and patterns of sexual deviancy, the relevance and necessity of such rules become evident. Sufficient levels of control and intrusion into personal aspects of the offender's life are frequently necessary to detect, interrupt, and intervene in an offender's deviant cycle. The offender's cycle is often supported and maintained by secrecy and denial; therefore, it is imperative that rules

imposed address the unique needs of a particular sexual offender, even if such rules appear intrusive.

### **Supervision Rules Criteria Development**

Supervision rules imposed must be related to community protection or to offender rehabilitation. When imposing rules, the agent must consider their:

- Ability to detect rules violations;
- Willingness and ability to hold the offender accountable for rules violations; and
- Their willingness to document and explain to the offender that the rule is reasonable.

At intake, a standard set of conditions will be imposed for all sex offenders placed on supervision. Other special conditions may also be added, as appropriate, based on the criteria listed above. Rules and conditions may be further modified throughout the term of supervision, as appropriate.

### **Special Conditions**

All offenders must abide by certain “general conditions of probation/parole” to remain in the community. Additionally, sex offenders have “special conditions of parole” designated by the Pennsylvania Board of Probation and Parole (PBPP) and/or parole supervision staff and/or the court. These imposed, special conditions should be consistent with criteria described earlier in this chapter and based on the facts and circumstances of the individual sex offender.

### **Rules of Conduct**

- The offender cannot have contact with the victim(s) or the victim(s) family. This includes direct contact, written correspondence, or contact via third party.
- The offender cannot initiate or maintain any membership or affiliation with any community organization or group without prior permission of his/her agent.
- The offender cannot attend meetings, functions, or activities of any group or organization, including but not limited to AA/NA type programs, fundraisers, school-sponsored athletic events, etc., without prior permission of his/her agent.
- The offender cannot join or be on or around the premises of any health club or other athletic facility without prior permission of his/her agent.
- The offender cannot participate in any child sponsorship-type organizations.
- The offender must be responsible for his/her appearance at all times. This includes wearing undergarments and clothing in places where another person may be expected to view the offender.
- The offender cannot wear clerical garb without prior permission of his/her agent. Clerical garb is defined as any articles and/or clothing that signifies religious affiliation.
- The offender cannot perform any functions of pastoral ministry without prior approval of his/her agent.
- The offender cannot have, possess, keep, care for, or live with any animal or pet without prior approval of his/her agent.

- The offender cannot purchase, possess, or use any computer without prior permission of his/her agent.
- The offender cannot have access to any Internet server account. (In establishing this rule, the agent should consider the offender's possible legitimate need for e-mail access.)
- The offender cannot purchase, possess, or use any photography equipment without prior permission of his/her agent.
- The offender cannot use 900 or 970 phone numbers to any business without prior approval from his/her agent.
- The offender cannot place or respond to personal advertisements of any type without prior permission of his/her agent.
- The offender cannot enter or be around the premises of any exotic dance club, massage parlor, or any place that allows him/her to view sexually explicit material or obtain sexually explicit services.
- The offender cannot attend any movie shown in a public facility without prior permission from his/her agent.
- The offender cannot be in, at, or near any place frequented by anyone under the age of 18, including but not limited to fairs, schools, playgrounds, beaches, malls, pools, daycare centers, parks, etc.
- The offender cannot alter his/her physical appearance, or attempt to conceal his/her identity in any way without prior approval from his/her agent.
- The offender cannot participate in or attend any volunteer, vocational, or social activity that brings him/her into contact with anyone under the age of 18, who is physically or emotionally disturbed, or is otherwise vulnerable without prior agent approval. This includes, but is not limited to youth group activities, nursing home activities, scouting, child care, model train shows, Special Olympics, etc.
- The offender cannot join or maintain a membership, be a part of a mailing list, or associate with any group or club whose primary purpose is to promote, discuss, or participate in sexual activity. This includes, but is not limited to North American Man Boy Love Association (NAMBLA), Internet chat rooms, etc.

#### **Rules Relating to Contraband**

- The offender cannot enter or be around any establishment whose primary function is the sale, rental, or display of any sexually explicit materials.
- The offender cannot possess photographs or other pictures of anyone under the age of 18.
- The offender cannot purchase or possess items designed to appeal primarily to minors, including but not limited to clothing, toys, games, dolls, stuffed animals, books, videos, etc.

#### **Rules Relating to Employment**

- The offender cannot be employed, either as a volunteer or a compensated worker, at any place that serves or employs anyone under the age of 18 without prior permission of his/her agent.

- The offender cannot be employed, either as a volunteer or a compensated worker, in any activity that involves routine physical contact with others. This includes, but is not limited to attendant care work, massage, etc.
- The offender cannot engage in activities that bring him/her into regular contact with a member of a vulnerable population including, but not limited to the elderly, the physically and/or intellectually disabled, the emotionally disabled, and anyone under the age of 18.
- The offender cannot work in or near parks, schools, daycare centers, beaches, pools, malls, or any other places where children congregate. Near is defined as 1,000 feet.
- The offender cannot attempt to engage in any occupation or participate in any volunteer activities that place him/her in direct contact with children under the age of 18.

### Rules Relating to Travel

- The offender cannot LEAVE the city of \_\_\_\_\_/County of \_\_\_\_\_ without prior permission of his/her agent.
- The offender cannot ENTER the city of \_\_\_\_\_/County of \_\_\_\_\_ without prior permission of his/her agent.
- The offender cannot hitchhike or pick up hitchhikers.
- The offender cannot operate any motor vehicle without prior permission of his/her agent. Permission to operate one motor vehicle does not give the offender permission to operate any others.
- The offender must keep a written log of any driving he/she has done, including exact dates, times, routes, mileage, destination, etc.
- The offender must have a face-to-face contact with the local law enforcement agency in any jurisdiction in which he/she stays overnight. This contact must be completed immediately on his/her arrival.

### Miscellaneous

- The offender must report and provide any required information to local law enforcement authorities within 10 calendar days of any permanent or temporary change in his/her residence, as required by PA Megan's Law.
- The offender must comply with rules and conditions of electronic monitoring as directed by his/her agent.
- The offender cannot leave his/her residence without an approved electronic monitoring schedule.
- The offender must immediately report any incidental contacts he/she has with any prohibited persons, as detailed in his/her special conditions of parole/probation.
- The offender cannot use a post office box without prior approval of his/her agent.

**Requests for Activities that Require Agent Approval**

Often, the rules and conditions imposed on sex offenders significantly restrict his/her movement and activities. Frequently, the offender is required to obtain agent approval prior to engaging in a variety of activities, including those listed here.

- Change of residence;
- Change of employment;
- Travel out of state or county;
- Contact with individuals under the age of 18;
- Attendance at gathering and events, such as weddings or family reunions, where children will be present;
- Establishing dating or sexual relationships; and
- Participation in activities extending beyond the hours of the offender's assigned curfew.

**Agent-Offender Contacts**

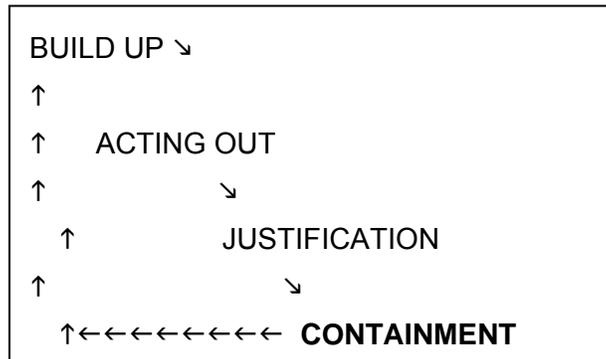
Due to the nature of sex offenses, agent interaction with the offender during face-to-face contacts requires skill and careful planning. The intrusive nature of questions asked and the discussion of sensitive, personal issues often creates discomfort and embarrassment for the offender. Sex offenders are frequently reluctant to disclose information about their activities and patterns of sexual deviance. This reluctance is sometimes caused by feelings of guilt or shame. However, failure to disclose is frequently a result of denial and serves to maintain secrecy about behaviors.

Contacts conducted in a straightforward, professional, nonjudgmental manner are critical to set the tone, establish rapport, and gain the offender's cooperation. Offenders must acknowledge their offenses and patterns of sexual deviancy to successfully manage and control their behavior. Disclosure of behaviors typically occurs over time if the offender is motivated to change. As the offender gains trust in the agent and treatment provider, information is gradually shared and a more complete sexual history is obtained.

**Face-to-Face Strategies**

- Repeatedly review offenses with the offender to facilitate full disclosure of behaviors and acceptance of responsibility for the offense.
- Use interventions such as electronic monitoring, curfews, regular contacts with employers, individual counseling, etc., as strategies to break denial.
- Regularly review lifestyle, daily activities, and changes in patterns of behavior relative to employment, residence, relationships, travel, leisure time, etc.
- Carefully assess the offender's activities to identify those that may be used to maintain sexually deviant behavior.
- Review the offender's treatment progress, attendance, participation, and payment.
- Review written assignments made by the treatment provider to identify treatment issues and assess progress.

- Review the cycle of deviance.



- Provide feedback and input during the discussion of assignments to demonstrate interest in offender progress and to show the agent is not uncomfortable discussing sexual issues with the offender.
- Review the relapse prevention plan and discuss any high-risk situations that may have occurred since the previous interview:
  - Nature of incident(s);
  - Offender’s management of situation; and
  - Alternate scenarios for offender management of situation.

### **Supervision Networks**

Effective supervision of sex offenders requires contact, coordination, and cooperation among individuals and agencies involved in all facets of the offender’s life. The agent is to identify and maintain contacts with individuals and agencies that can be instrumental to monitor the offender’s behavior, support rehabilitative activities, and to ensure the offender does not remain anonymous. These collateral sources comprise the offender’s supervision network. The two supervision network categories are personal/community and professional.

#### **Personal/Community Networks**

Individuals who regularly interact with the offender are in a position to monitor daily activities and changes in the offender’s behavior. The offender’s personal/community network may include the following individuals:

- Spouses/partners
- Family members
- Household members
- Friends
- Coworkers
- Employers
- Neighbors
- Sponsors
- Clergy.

If the network is to be effective, the offender must share information with members of the network relative to the offense, offense cycle, patterns of sexual deviance, case plan, and relapse prevention plan.

### ***Agent Requirements***

- Verify that the network members have accurate information about the offense.
- Provide network members with information about treatment requirements, and rules and conditions of supervision.
- Strive to develop a positive working relationship and open communication with these individuals.
- Maintain regular contact with all members.

### ***Network Member Requirements***

- They must have knowledge of the offender's offense and offense history.
- They must believe the offense occurred.
- They must believe the offender is at risk for future sexually assaultive/deviant behavior.
- They must be willing to work with the agent and report any lapse behavior or violations.

### ***Family/Household Members***

The offender's living conditions and the attitude of individuals living in the household are critical to the offender's adjustment to supervision. These individuals can be a powerful force for positive change by acknowledging the offense, confronting the offender about behaviors, reporting lapse behaviors, and supporting treatment. Conversely, these individuals can be a hindrance if they support or participate in the offender's denial of the offense and maintain secrecy about the offender's behaviors. The agent should maintain regular contact with household members, continually observe and assess the offender's living environment, and assess the family/household members' ability to serve as effective members of the network.

### ***Employers***

Supervisors and coworkers can often serve as valuable members of the supervision network. These individuals are in daily contact with the offender and can observe changes in the offender's attitude, behavior, or appearance. Changes in work habits, duties, hours, and employment may be precursors to sexually deviant behavior.

On a case-by-case basis, agents must determine the frequency of contact with employers, and the extent and type of information to be shared relative to offender's pattern of offenses and deviant behavior. Agents frequently have a duty to inform employers about the sex offender's criminal record. Public safety and potential access to victims must be constant considerations.

***Agent- and Employer-Shared Information***

- High risk behavior
- Potential for using employment to maintain deviant behavior
- Victim profile (avoiding criteria that may identify a specific victim)
- Information about offender's work schedule, job duties, attendance, and performance.

**Professional Network**

The agent is an integral member of the professional network typically comprised of the following individuals or agencies that treat or monitor the offender, his/her family, and the victim:

- Criminal justice agencies
- Law enforcement
- Social service agencies
- Treatment providers
- Polygraph examiners
- Victim services programs.

The agent must maintain regular contact with members of the network to review treatment progress, compliance with rules and conditions of supervision, reintegration plans, and surveillance requirements.

The Pennsylvania Commission on Crime & Delinquency (PCCD) helps local governments develop plans that address problems related to crime and the criminal justice system in the Commonwealth. PCCD actively supports counties that seek to develop and implement a team approach to solve these problems. Criminal Justice Advisory Boards (CJABs) have been created and implemented throughout the Commonwealth to achieve that objective. The underlying concept of the CJAB is to meld the collaborative efforts of key decision-makers authorized and responsible for deploying and managing county and municipal criminal justice resources.

CJABs provide the foundation for PCCD to work with policy level, problem-solving groups comprised of: judges; county commissioners; district attorneys; chiefs of police; wardens; chief probation officers; directors of health and human services; and victim service providers. Other individuals able to influence the administration of justice within the county or municipality may also be included in the CJAB.

**Law Enforcement**

Coordination with law enforcement agencies is an integral component of community supervision. Periodic contact with law enforcement is important to share a variety of information, strengthen a working relationship, develop a neighborhood risk assessment plan, and increase police awareness of sex offenders in the community.

Typically, agents and law enforcement work together in a cooperative manner to:

- Share rules and conditions of supervision;
- Share offender photograph and mode of operation;
- Share offense patterns, history, and high-risk behavior;
- Provide past and potential victim profiles avoiding criteria that may identify a specific victim;
- Share an electronic monitoring schedule;
- Share vehicle information and travel routes;
- Share residence and employment information, including addresses; and
- Share community notification information.

### **Treatment Providers**

The agent should develop professional relationships with private therapists trained and qualified to work with sex offenders. The agent and the treatment provider rely on each other for support and assistance to accomplish the objectives of supervision and treatment. The agent's role is to establish rules and conditions that support treatment and to initiate consequences for treatment failures. In practice, the authority and responsibility for victim and community safety is shared with the clinician. Selecting the treatment provider is a critical responsibility.

The agent and treatment provider should maintain regular contact to share information and resolve issues related to the following:

- Rules of supervision and treatment expectations;
- Assignments and treatment progress;
- Attendance, participation, and payment;
- Family dynamics and life changes;
- Sexual history, relapse plans, pre-sentence investigations, journals, travel logs;
- Lapses and violations; and
- Family reunification plans (if appropriate).

Agents should carefully review written progress reports prepared by the treatment provider. Periodic meetings should also be scheduled on a regular basis to share more detailed and complete information. Prompt communication between agent and treatment provider is essential in reporting nonattendance, relapses, and violations.

### **Residence**

An approved residence must sufficiently limit the offender's access to past and potential victims. Agents are to closely monitor the offender's movement relative to his/her residence. A thorough, on-site inspection of the residence and neighborhood, including visual inspection of the offender's sleeping quarters, is required prior to approving a residence.

**Residence Factors**

- Offenders often attempt to move to areas where they are less well known. Any proposed change in residence should be carefully reviewed to assess access to past and potential victims. Additionally, agents should make contact with appropriate collateral sources to develop effective supervision networks and reduce offender anonymity.
- Decisions relative to informing landlords and/or neighbors of the offender's offense history must be carefully by agent and supervisor.
- Sex offenders must not be instructed to notify the neighborhood directly that they are on supervision for a sex offense.
- In cases of incest, the offender should be required to move out of the home, unless or until both the supervising agent and treatment provider determine it is safe for the offender to return.
- Agents must identify others living in the residence, including names and ages of other occupants, occupant's criminal records, and pets.
- Agents must ensure that others living in the residence are aware of the offender's offense history.
- Agents must assess possible access to victims, potential victims, and persons under the age of 18 who may visit the residence.
- Agents may prohibit offenders from residing with people who enable or support their denial or encourage rules violations.
- In most cases, regardless of the offense or age of victim, sex offenders should be prohibited from residing with anyone under the age of 18. Any exceptions to this general rule should be carefully considered in consultation with the agent, supervisor, and treatment provider.
- In the case of proposed out-of-state residence, the agent must receive notification of case acceptance from the receiving state before allowing the offender to relocate.
- Any change in residence must be approved in advance, regardless of the distance involved.
- Prior to granting an offender permission to move to a new jurisdiction, the sending agent must inform the receiving office of the offender's request to move. The receiving agent is then to assess the new residence and potential risks of such a move.
- To ensure continuity of supervision, the receiving agent prior to the move must approve the residence.
- When moving to a new jurisdiction, Sexually Violent Predators (SVPs – as designated by court) must make face-to-face contact with local law enforcement agencies. Additionally, the agent should inform law enforcement agencies in the prior jurisdiction that the offender has moved.
- Agents are reminded to share copies of updated rules with law enforcement for Megan's Law registrants.

### **Employment**

Stable employment is important to both offender supervision and rehabilitation. Agents must maintain regular contacts with the offender's employer to verify the offender's whereabouts and to ensure accountability for hours of work reported by the offender. The employer can also provide valuable information relative to changes in offender behavior that may be precursors to offending behavior. The employer may also provide relevant information about coworkers with whom the offender associates.

All changes in employment require agent approval. Sex offenders must be restricted from seeking or maintaining employment that may place them in contact with potential victims, or which provides insufficient supervision and structure to adequately monitor their movement and activities.

Although Pennsylvania law provides that employers may consider an applicant's criminal record and deny employment because he/she is not suitable for the position, there are no statutes that specifically restrict sex offenders' ability to work.

Title 18 of the Pennsylvania Consolidated Statutes, § 9125 permits employers to use the applicant's criminal history record file to make decisions about hiring an applicant. However, the employer may only consider the information that relates to the applicant's suitability for the position. If an employer bases a decision of not hiring the applicant on the criminal history record, the employer must report this reason to the applicant. Although proposed legislation has attempted to restrict the employment of those with criminal records, including sex offenders, the legislation is often outside the scope of § 9125 and held unconstitutional. It is reasonable to assume that an individual convicted of sexual offenses against a minor would not be suitable for employment in an area with direct contact with children, but there are no statutes that include this specific language, due to the constitutional limitations.

### **Employment Factors to Consider**

- Possible access to children, vulnerable adults, or potential victim groups (e.g., teacher, child care worker, coach, photographer, telemarketer, roofer);
- Possible relationship to offense pattern (e.g., child molester employed as a photographer, sex offender who met his victim on the Internet and is employed by a computer company);
- Proximity to schools or daycare centers, parks, or other areas where children congregate;
- Potential for interference with participation in sex offender treatment;
- Insufficient level of supervision at the job site (e.g., construction worker or salesman who is away from home overnight);
- Willingness of an employer to report violations, lapse behavior, or absences from work;
- Access to keys which may provide opportunities for access to potential victims (e.g., apartment complex groundskeeper, real estate salesperson);
- Level or position of authority which may be used to access past or potential victims;
- Employer's level of awareness relative to the offender's history of sexually assaultive/deviant behavior; and

- Occupations that require extensive travel; in most instances, overnight and out-of-state travel is not recommended.

### ***Employment Approval Factors***

- Methods for maintaining supervision standards and contacts;
- Ability to continue participation in treatment;
- Offender awareness of triggers and warning signs of relapse;
- Offender's relapse prevention plan; and
- Availability of tracking devices through the employer to monitor the offender's movements.

### ***Employment Approval Strategies***

- The offender may be required to submit travel/mileage logs.
- Geographical restrictions may be imposed, including a provision for specific routes of travel.
- The offender may be prohibited from loitering in rest areas and/or parking lots.
- The offender may be required to document any overnight lodging in hotels or motels.

### **Home Visits**

Agents must conduct home visits to assess any proposed residence and to monitor offender adjustment throughout supervision.

### **Home Visit Requirements**

- Entry into the residence;
- Visual observation of the residence, property, and vehicle;
- Face-to-face contact with the offender or collateral source; and
- Scheduled and unscheduled home visits are recommended.

Home visits should be conducted by a team of two agents, when possible and as appropriate, considering workload, staffing patterns, and case dynamics. In assessing the home environment, the agent should remain observant of items in the home which may be indicators of risk, given the offender's pattern of sexual deviance.

### **Reasons for Home Visits**

- To ensure the home is not located near a school, playground, daycare center, tavern, or any place an offender can access victims;
- To ensure family members and other residents believe the offense occurred, support the offender's participation in treatment, and are willing to report violations;
- To assess the attitude and cooperation of the offender's live-in partner, as this can be critical to the offender's adjustment to supervision;
- To ensure the offender is not residing with individuals who use or abuse alcohol and drugs, use violence, or demean and abuse partners, children, pets, etc.;
- To ensure past or potential victims are not and will not be living in the home;

- To ensure the residence is permanent by obtaining a copy of a lease, utility bills, etc.; and
- To ensure the offender complies with supervision conditions.

### **Agent Inspections of Homes**

Agents must follow proper procedures that differentiate the home visit from a search. Agents should be alert to items in the home listed below.

- Drugs;
- Alcohol;
- Contraband relevant to offense (rape kit—gloves, camera, duct tape, rope, etc.);
- Children’s toys and other items which may be used to attract children;
- Computers and modems;
- Fax machines;
- Sexually explicit pictures/magazines/audio tapes/videotapes;
- Pictures/literature specific to victim groups and which may not necessarily be sexually explicit (general pictures of children, catalogues, movies, etc.);
- Telephone bills (900 and 976 calls, or any adult phone sex service);
- Credit card bills; and
- Inappropriate clothing.

Additionally, agents should be alert to any signs of possible sexual abuse in the home. Any indications of suspected child abuse must be reported to Children and Youth Services and local law enforcement agencies.

### **Electronic Monitoring (EM)**

Electronic Monitoring (EM) is a supervision tool that may be used with sex offenders. The decision to place an offender on EM should be made by the supervising authority. EM may refer to any electronic monitoring device used by a supervising authority, including radio frequency devices (RF) or active or passive Global Positioning Systems (GPS).

### **EM as a Supervision Strategy**

- Case management tool for offenders in denial
  - To motivate offender compliance in treatment
  - To monitor offender until a relapse prevention plan is in place;
- Disposition of a rule violation/sanctioning;
- Enforcement of curfew;
- Limitation on leisure/recreation time; and
- Restriction of the offender’s movement during high-risk time periods (i.e., school closing, “bar time”).

**EM Exit Strategies**

The decision to remove an offender from EM should be based on:

- Time stipulation as required by the sanctioning authority (Board, supervisor, court);
- Program completion as required by the court; and
- Positive supervision adjustment, as noted by risk reduction.

**EM Reminders for Agents**

- **Do** test the range limits of the unit.
- **Do not** provide the Monitoring Center's direct telephone number to an offender.
- **Do not** leave the offender's residence until the Monitoring Center or vendor confirms a successful hookup.

**Travel Permits and Vehicle Use**

Sex offenders frequently use travel to achieve anonymity and access victims. Therefore, requests for travel permits for these offenders require careful consideration and thorough review by the agent and supervisor.

**Out-of-State Travel**

The legitimacy of and justification for travel should be discussed with the offender before granting permission to visit another state. The case file must be carefully reviewed to determine if there are victims or potential victims present at the proposed destination of travel. No travel permit should be issued for the purpose of seeking employment or establishing residence. Exceptions may be considered with the supervisor's approval.

All travel permits for sex offenders require the approval and signature of a supervisor. Offenders should be routinely denied travel if certain conditions have not been met.

***Conditions for Out-of-State Travel***

- The offender is in compliance with conditions of supervision. Offenders who have failed to meet financial obligations, have pending charges, or have missed meetings with the agent or treatment provider should be denied travel, unless there are mitigating circumstances that have been evaluated by the agent.
- The offender acknowledges full responsibility for his/her offenses.
- The offender is progressing in treatment and demonstrating the ability to apply controls over his/her deviant behavior.
- Travel will not have an adverse affect on the offender's ability to control his/her risk to re-offend.
- The offender truthfully discloses his/her offense and areas of risk to the supervision network.
- Travel will not have an adverse affect on the community, the victims, or potential victims
- Previously approved travel has not created problems.
- Requested travel does not interfere with the offender's employment or treatment.

- The offender understands and agrees to comply with all registration requirements applicable within the state(s) where they propose to travel.
- Any travel request is made well in advance so travel plans can be verified.

### ***Strategies for Approved Out-Of-State Travel***

When travel is allowed, the permit must be completed thoroughly, with special attention to items noted here.

- Destination and route to be traveled are clearly identified.
- The method of travel, including details on vehicle, airline, bus, or train is identified. Airline, bus, or train travel should be verified through ticket or travel agent.
- An address and phone number should be obtained if the offender will be staying in a hotel.
- Verify the offender's reservations. Hotels that market services to customers that include the offender's targeted victim group should not be approved (i.e., pedophiles should not be allowed to stay at hotels that market to families with small children, such as those with water parks, amusement parks, etc.).
- If the offender will be staying at a residence, occupants must be contacted prior to the permit issuance.
  - Verify accuracy of information provided by the offender.
  - Inform occupants of the offender's offense history and sexually deviant behaviors.
  - Notify occupants of the offender's high-risk behaviors.
  - Assess if the occupants are willing to report any problems and concerns to the supervising agent.
  - Assess if the residence is appropriate (i.e., provides access to victims, alcohol/drugs, etc.).

### ***Strategies to Decrease Travel Risk***

- Restrict travel to specified routes, specific vehicles, and certain times of day.
- Review travel logs and mileage records to verify the offender's travel routine/route.
- Provide vehicle identification information to law enforcement agencies in areas where the offender will travel.
- Prepare a letter to be presented by the offender to law enforcement agencies in the offender's travel area. Require the offender to return the letter signed by the law enforcement agencies, including agency phone numbers for verification.

## **Case Transfers**

### **Intrastate Transfers**

Transfers of sex offenders within the state should be accomplished according to procedures established for all offenders in the Intercounty Transfer Agreement and/or PBPP procedures. All requests for transfer must be reviewed and approved by the sending authority and the receiving supervisor prior to the offender's movement to the proposed area of residence.

The receiving agent must complete an assessment of the proposed residence, employment, and placement plan before the offender is allowed to move. Access to victims, ability of household members to support the offender's positive adjustment, plans for continuation of treatment, and reasons for transfer are all factors to be considered in assessing the new residence. In preparing the offender for transfer, the sending agent must inform the offender of the reporting and registration requirements in the new place of residence.

### **Considerations for Acceptance and Transfer**

- The offender's proposed residence must not present an unreasonable risk to the community, and past or potential victims.
- Occupants of the proposed residence must be aware of the offender's deviant sexual behavior and be willing to report concerns and problems to the agent.
- The offender's proposed employment must not present an unreasonable risk to the community and potential victims.
- The offender must be willing to comply with probation and parole rules required by the agent in the area of the proposed residence.
- Victim impact must be carefully considered when a proposed residence would place the offender in the same community where the victim(s) resides.

### **Considerations for Transfer to another State**

Offenders under county or state supervision who are required to register under Pennsylvania Megan's law are subject to the rules of the Interstate Compact for Adult Offender Supervision (ICAOS).

For information regarding other states' sexual offender registration requirements, contact the receiving state's sexual offender registry. The *State/Territory Sex Offender Registry Agencies Directory* is accessible on the PBPP Intranet, Case Management, #8 Out of State, Other. States' registry information is also accessible on the Internet at <http://www.klaaskids.org/pg-legmeg.htm>

### ***Transfer Requirements***

- No sex offender is allowed to transfer from Pennsylvania to another state without prior acceptance or the issuance of reporting instructions.
- If a sex offender who receives a new Pennsylvania probation sentence is living in another state at the time of sentencing, the offender is eligible for a seven-day travel permit to return home. However, prior to granting a travel permit, the Pennsylvania agent or probation officer must verify that the offender is living in the receiving state and request reporting instructions through the PA Interstate Compact Probation Office.
- In the case of an emergency, reporting instructions can be requested from the receiving state through the PA Interstate Compact Office; however, the receiving state determines if the request is an emergency and is not required to give reporting instructions.
- If the agent does not receive reporting instructions, the offender must remain in Pennsylvania until the receiving state accepts the transfer.

- The receiving state must be immediately notified when the sex offender departs Pennsylvania for a previously approved plan or on the granting of a travel permit.
- The Pennsylvania agent maintains supervision responsibility for the offender until the offender reports to the receiving state, as previously instructed. The receiving state's agent is required to submit a Notice of Arrival, advising of the arrival date or the offender's failure to report.
- The sex offender is required to comply with all registration requirements of the receiving state.
- If the receiving state rejects the proposed plan, an offender who is in the receiving state pursuant to reporting instructions must return to Pennsylvania and report to the assigned agent/probation officer.

***Requirements for Sex Offenders Transferring out of Pennsylvania***

- A DNA sample must be collected from the offender prior to departure.
- The offender must be informed of ongoing registration requirements prior to transfer.
- Local law enforcement agencies must be notified of the offender's departure from the area.
- The county victim assistance coordinator must be notified of the offender's residence change. For applicable PBPP cases, the Division of Interstate Parole Services is the liaison to the Office of the Victim Advocate.

***Requirements for PA Sex Offenders Who Return to PA from a Receiving State***

- If return reporting instructions were not issued to the offender, contact the PA Interstate Compact Office. It is suggested that the attached PBPP procedure "PA Compact Case Reports to PBPP Field Office without Prior Notice" is used as a guide.
- Within 10 days of arrival in Pennsylvania, the offender must report to the nearest Pennsylvania State Police and complete an Address Worksheet.
- During the investigation of the proposed Pennsylvania plan, the agent must have face-to-face contact with local law enforcement.
- The offender must provide a DNA sample if it was not previously collected.

### **Searches**

All searches must be conducted pursuant to the Parole Act, § 331.27a and regulations governing searches. While the process for conducting searches in sex offender cases is the same as for other offenders, the nature of contraband may be very different. Seemingly insignificant items other offenders may be allowed to possess are often inappropriate for sex offenders. By conducting a timely and thorough search, the agent may interrupt potential violations, identify potential victims, and detect signs that the offender is moving into the offense cycle.

Searching agents should be alert to items related to the offender's pattern of deviancy and/or offense cycle, including items listed below:

- Drugs;
- Alcohol;
- Contraband relevant to offense ("rape kit" — gloves, camera, duct tape, rope, etc.);
- Children's toys/other items which may be used to attract children;
- Computers and modems with Internet service and bookmarked Web sites;
- Fax machines;
- Sexually explicit pictures/magazines/audio tapes/videotapes;
- Pictures/literature specific to victim groups and which may not necessarily be sexually explicit (general pictures of children, catalogues, movies, etc.);
- Telephone bills (900 and 976 calls);
- Credit card bills; and
- Inappropriate clothing.

### **Denial**

It is not uncommon for the sex offender to be in denial at some level during the initial stages of supervision. However, honest disclosure of the offense pattern and sex history must occur if the offender is to learn to manage and control sexually deviant behaviors and avoid re-offending. The offender must be continually confronted and pushed through denial, minimization, and rationalization until he/she is able to accept responsibility for the offense and acknowledge patterns of deviancy.

Full disclosure may occur gradually as the offender progresses through treatment and supervision. However, external controls must be exercised for those offenders who continue to deny and refuse to exert internal controls in behavior management. External controls may include high-risk supervision, increased surveillance, electronic monitoring, and ultimately, incarceration.

## **Forms of Denial**

### **Denial of Responsibility**

- **Physical Denial**
  - Offenders do not deny that the sexual abuse occurred, but deny being the perpetrator; they sometimes collude with parent or a partner to offer an alibi.
- **Psychological Denial**
  - Offenders may deny the offense by saying they are not that kind of person and therefore, could not have committed the offense. They may try to discredit victims by calling them liars or vindictive.

### **Denial of Intent**

Offenders may admit some parts of the offense, but deny that there was any intent on their part to commit the offense. The offender may use an “alcoholic blackout” as an excuse, or may claim the behavior was misinterpreted.

### **Denial of Harm**

Offenders may admit aspects of the offense, but deny victims were harmed.

### **Minimization of Frequency**

The offender’s statement on how many times the offense occurred may be considerably less than what the victim reported. Failure to accurately report frequency often occurs with offenders who abuse the same victim over a long period of time.

### **Minimization of Intrusiveness**

Offenders will admit some sexual acts, but deny others. They may admit fondling, but deny penetrating.

### **Denial of Fantasy**

Offenders may admit the offense, but deny any fantasy or planning of the offense. “It just happened.”

### **Minimization of Sexual Intent**

Offenders will talk about their abusive behavior as if it was in the past, or claim the behavior was not motivated by sexual desire. This is similar to the frequency and intrusiveness forms of denial.

## **Strategies to Address Denial**

### **Agent Confrontation**

- Review police reports, criminal complaints, and victim statements—continuing to probe and move offender toward providing information consistent with these accounts of the offense and with information provided by other collateral sources. (CAUTION: review of material, such as official versions and victim statements, may be a source of arousal for some sex offenders).
- Remind the offender that conviction has already occurred and acknowledging behavior will not alter this fact.
- Repeatedly point out forms of denial used by the offender.
- Continually remind the offender that refusal to accept responsibility and failure to demonstrate motivation to learn to manage and control behavior increases the risk to re-offend, and could result in further legal difficulties.

### **Deniers Group**

- Require the offender to participate in a time-limited group specifically targeted to deniers (available in some locations). To successfully complete this type of group, the offender must demonstrate a break in denial and a desire to examine deviant patterns of behavior. Deniers groups are educational in nature and are not considered treatment.
- Revocation or intermediate sanctions, as appropriate, should be considered for the offender who does not successfully complete a deniers group.
- Refer the offender who successfully completes a deniers group to sex offender treatment groups.

### **Sex Offender Group Treatment**

- Refer the offender to regular sex offender group treatment on a time-limited trial basis, and use group dynamics as a strategy to break denial.
- Group members model positive efforts to address sexual deviance.
- Group members confront denial and minimization.
- Revocation or an intermediate sanction, as appropriate, should be considered for the offender who is unsuccessfully discharged, as a result of continued denial.

### **Individual Therapy**

- Refer the offender to individual therapy with a qualified therapist as a strategy to be used in combination with sex offender group treatment. The offender should be responsible for the cost of this therapy, when possible.

**Evaluation by Denier-Specialized Psychologist**

- Consult with the SOAB staff to identify a specialized psychologist.
- Require the offender to complete this evaluation in combination with sex offender group treatment.
- The evaluation may be used as an intermediate sanction for an offender terminated from sex offender group treatment or a deniers group.

**Support of Personal/Community Supervision Network**

- Utilize partners, family members, employers, NA/AA sponsors, clergy, employers, coworkers, and others who routinely interact with the offender to confront his/her denial and minimization, support the relapse prevention plan, and closely monitor offender behavior.
- Restrict the offender from residing or associating with individuals who support denial.

**Treatment**

Treatment is an important element of the containment model for the management of sex offenders. Many types of treatment modalities are available as interventions for sex offenders. The type of programming selected must be determined through completion of sex offender assessment, conducted by a clinician or treatment provider with specialized skills and training. The treatment modality selected is based on the individual dynamics of the offender and offense. Some offenders are not appropriate for certain types of treatment. For example, the empathy portion of sex offender group treatment is not appropriate for sadistic offenders, and sex offender group treatment is not appropriate for psychopathic offenders.

**Agent Roles and Responsibilities**

- Refer the offender to an appropriate treatment provider for sex offender assessment and development of a treatment plan.
- Include requirements for participation in and completion of treatment as conditions of supervision.
- Include objectives to support treatment plans in the offender's supervision plan.
- Inform the offender of consequences for not participating in treatment and/or unsuccessful discharge from treatment. Noncompliance in treatment is a serious violation for which the agent should consider revocation.
- Maintain regular contact with the treatment provider to:
  - Monitor progress and attendance;
  - Ensure the offender is actively participating in treatment and completing all homework;
  - Follow-up on violations disclosed in group;
  - Follow-up on other referrals made by the treatment provider;
  - Notify treatment provider of violations; and

- Review homework assignments, relapse prevention plan, and deviant cycle with the offender.

### **Offenders as Victims of Sexual Abuse**

Some offenders have been victims of sexual abuse. Issues relative to past victimization should be addressed as a component of treatment. Referrals for therapy for the offender should be coordinated with the sex offender treatment provider. An offender's own victimization is never an excuse for victimizing others.

### **Polygraph as a Treatment Strategy**

Sex offenders may be required to undergo periodic clinical polygraph examinations as part of the case management plan. This is an effort to minimize the risk of re-offense and to increase public safety. The purpose of a polygraph examination program is to enhance the treatment, monitoring, and accountability of sex offenders.

### **Polygraph Goals**

- To disclose offense pattern information for supervision and treatment purposes;
- To hold the offender accountable for behaviors that occur while on supervision;
- To verify the accuracy of self-reporting;
- To assist in the ongoing monitoring and early identification of supervision rule violations and/or other criminal behavior;
- To provide a deterrent to re-offending;
- To identify offenders who need more intensive supervision or treatment; and
- To provide information for assessment, treatment, and monitoring.

### **Polygraph Purposes**

- To determine if an offender is telling the truth; and
- To help the agent in evaluate the offender's progress and determine an appropriate course of action.

### **Family Reunification**

*Adapted from a paper contributed by Robert Fox, M.S., Psychotherapist, Elmer Green Associates, Inc., Wausau, WI*

Sometimes, agents receive requests to assist in the family reintegration of an incest perpetrator. In reviewing these requests, the agent must recognize that incest-related risk factors might occur in a variety of situations. As examples, a brother who has molested his sister's children may want to be involved with her family again. Or, an offender may want to establish a relationship with another partner with children, after separating from the family involved in the current conviction. Further, a grandfather may want to continue a relationship with the children of his victims. A careful review of safety issues inherent to these types of situations is essential.

**Incest Characteristics, Dynamics**

- The most common incest offense is father, stepfather, father figure, or boyfriend against daughter, stepdaughter, or girlfriend's daughter.
- The incidence of incest is greater with stepfathers or boyfriends than with biological fathers and their children. The bond with non-biological children is not as strong.
- Boundaries are "easier" to cross if the relationship is not biological.
- Incest offenders present a greater risk for relapse and are less amenable to treatment:
  - Father against daughter and other female children outside the family;
  - Father against children of both genders within the family;
  - Fathers against multiple daughters; and
  - The younger the victim, the greater risk for re-offense. With a younger child, the greater the boundary is to be crossed to be sexual with that child.

**Incest Typologies**

- Affection-Based (related to affection)
- Erotic-Based (related to sexuality)
- Aggression-Based (related to power and control)
- Rage-Based (related to anger).

**Risk Analysis**

The offender must demonstrate significant progress in sex offender treatment if family reunification is to be considered. As the family moves into the reunification process, members of the family must demonstrate the following:

- Victim;
  - Desire to reunify
  - Ability to talk about the abuse
  - Age appropriate behaviors
  - Positive relationship with the non-offending parent
  - Belief that non-offending parent can protect them
  - Placement of responsibility for the abuse on the offender
  - Ability to describe what to do if it happens again
- Non-offending Parent;
  - Understands their role in a dysfunctional system
  - Appropriate bond with the victim
  - Ability to problem solve with the offender
  - Ability to protect the victim
  - Knowledge of and willingness to intervene in the offender cycle
  - Understands the extent of the abuse and grooming techniques used by the offender

- Understands how abuse occurred without their detection
- Substance free lifestyle
- Offender;
  - Accepts full responsibility for all aspects of the offense
  - Full admission of offense
  - No minimization or denial
  - Written relapse plan
  - Acceptable progress in treatment
  - Ability to protect the victim
  - Ability to describe abuse and grooming techniques used in the offending behavior
  - Substance-free lifestyle
  - Evidence of development of victim empathy
- Both Parents as Parents;
  - Completion of parenting classes
  - Acceptable parenting skills
  - Non-offending parent is prepared to make final parenting decisions
  - Non-offending parent is skilled in handling children's behaviors
  - Non-offending parent's expectations are realistic
- Extended Family;
  - All family members, nuclear and extended, know of the abuse.

The agent and therapist must agree that the risk analysis indicates that conditions such as those listed above exist within the family. While it may also be necessary to consider other factors, the absence of any of the conditions listed above ordinarily would be sufficient to slow or stop the process. Additionally, safety rules must be developed and practiced during therapy. Each family member is required to maintain a signed list of rules. A history of domestic violence perpetrated by the offender against the non-offending parent should be carefully considered, as this indicates an imbalance of power within the relationship and will seriously compromise the safety of the victim, non-offending parent, and other family members.

Wherever possible, the children should have their own advocate present. All observers and supervisors must be aware of previous victimization dynamics. Victimization can be extremely subtle and may appear innocuous to the untrained or uninformed observer. For example, during visitation, an offender casually places a pencil at the edge of the table across from his victim. During the original offending, this placement of the pencil was a signal to the victim to report to the bedroom, where the sexual assault took place. This simple act during "supervised" visitation permitted the offender to retain control over his victim and continue to traumatize her/him.

### **Systematic Reunification Process**

The reunification process includes a graduated systematic approach, with feedback provided after each new step.

- First Meeting
  - Reunification is not to take place if the offender denies the offense.
  - Prior to the first meeting, the family situation is assessed for any history of domestic violence.
  - A therapist participates in the preparation and planning with the victim. The victim selects the date, time, and length. Discussion of logistics, such as seating arrangements and information on who will enter the room first, should occur.
  - The first meeting of the family takes place in a controlled therapeutic setting.
  - All family members and core members of the supervision and treatment team are present.
  - Therapists for all family members are present.
  - The offender enters after the victim and leaves before the victim.
  - The victim makes the first statement and states his/her feelings to the offender.
  - The offender does not state assumptions about the victim's feelings.
  - The offender does not discuss the abuse.
  - The offender does not approach the victim.
- Ongoing Visits
  - Rules for further visits are developed.
  - Therapists must believe all family members will report a violation.
  - The offender and non-offending parent can verbalize fears and concerns.
  - The victim can verbalize fears and concerns.
  - Siblings can discuss their feelings.
  - The offender relapse plan is reviewed with all members.
  - All family members sign a safety plan.
- First Visit Outside the Home
  - The victim selects the date, time, and place.
  - Visits are monitored.
  - Visits are limited to about an hour.
  - Visits are held in a public place, such as a restaurant.
- Daytime Visits at Home
  - The victim selects the date and time frames.
  - The safety plan is in effect and is followed by all family members.

- Pre- and Post-Review
  - Before a scheduled visit, safety rules and protocols are reviewed with the offender, non-offending parent, victim, other children, and anyone else residing in the home.
  - After the visit, individual perceptions about the visit are discussed. All problems and concerns are addressed.
- First Visit Overnight
  - The victim selects the date and time frames.
  - The safety plan is in effect and is followed by all family members.
- Pre and Post Review
  - Before the visit, safety rules and protocols are reviewed with the offender, non-offending parent, victim, other children, and anyone else residing in the home.
  - After the visit, individual perceptions about the visit are discussed with each family member. All problems and concern are addressed.
- Aftercare
  - Regular meetings with all family members are conducted to assess progress of the reunification process.

**Critical Reunification Process Elements**

- Risk analysis;
- Assessment of investment of family members and offender treatment prior to reunification; and
- Gradual, systematic process that includes safety checks and ongoing evaluations.

## Media Contacts and Situation Alerts

Sex offenders often generate public interest, concern and media contacts. In all cases, media contacts and unusual incidents involving offenders or staff must be reported in accordance procedures established by the supervising authority (agency).

### Violations

The offender's risk level and his/her perceived threat to the community must be considered when responding to violations of supervision conditions. Prompt response to all violations by sex offenders is an essential element of supervision. The agent must immediately inform the supervisor of alleged violations. Violations, which may be considered minor for other types of offenders, are often serious for sex offenders. Seemingly insignificant violations may support or be closely related to the offender's pattern for sexually deviant behavior.

For sex offenders, even "minor" rules violations may warrant revocation. The primary concern of the agent must be public safety and the protection of potential victims. Evidence and testimony gathered during all investigations must be carefully preserved, as this information may be critical to future revocation proceedings.

### Violation Investigation Activities

- Interview the offender and, if possible, obtain a written statement. The offender should also be advised that any statements given in regard to the violation cannot be used in future criminal proceedings. The agent should continue to question and probe for further information to obtain a detailed description of the violation(s).
- Agents should make every effort to contact and interview adult victims. However, victims may choose not to be interviewed or to be involved in the process. In these cases, the victim's decision must be respected. If the victim is willing to be interviewed, follow the guidelines provided in this section. Request a written statement from the victim to ensure a record is maintained, if the victim later chooses not to participate in the process. Due to the nature of trauma, the victim may now recall details omitted from information provided to law enforcement, or may provide details they did not consider important at the time they provided a statement to law enforcement.
- Interviewing the victim requires skill, knowledge, and sensitivity. Most sexual assault victims experience a loss of trust, which may extend to the agent. Agents must recognize the trauma experienced by victims of sexual assault and remain sensitive to the emotional pain and discomfort caused by the recollection and discussion of the details of the offense.

**Guidelines for Conducting Victim Interviews**

Prior to the interview, arrange for a victim advocate to be present. The victim advocate will be available to offer support to the victim. This will facilitate the interview process for the agent. The victim advocate also will be able to offer the victim with ongoing support, information, and appropriate referrals.

- Describe the process and purpose of the interview.
  - If it not known to the victim, the agent should introduce and present him/herself as a professional who recognizes the personal and sensitive nature of the issues to be discussed, as well as the discomfort this may cause. It is also important for the agent to state that he/she is a professional who will not be surprised or shocked by the content.
  - Briefly describe the agent's role in process.
  - Describe who will have access to the information in the report and why.
  - Explain limits of confidentiality.
- Allow the victim as much control as possible.
  - Allow another individual to be present who may provide support to the victim.
  - Offer the services of an interpreter, if necessary.
  - Request permission to use the victim's first name.
- Create an atmosphere that supports open communication and empowers the victim.
  - The agent should not position him/herself behind a desk opposite of the victim, as this creates an imbalance of power. When possible, position seats on the same side of the table or desk.
  - Do not block the only exit in the area; the victim may feel trapped.
- Be aware of nonverbal messages.
  - Maintain appropriate eye contact without staring. The avoidance of direct eye contact may support any feelings of shame or guilt the victim experience.
- Respect the victim and remain nonjudgmental.
  - Acknowledge the courage and strength required to survive an assault
  - Recognize and acknowledge that the offender is responsible and must be held accountable for the offense.
  - Do not blame the victim and provide them assurance that they are not to blame.
- Be aware of the victim's discomfort level.
  - Do not minimize or fail to recognize the impact of the offense by simply accepting statements such as "I am fine," as this may indicate the victim's discomfort, rather than an accurate portrayal of the victimization.
  - Ask the victim to describe the changes that have and will continue to occur in their life as a result of the offense.

- Recognize that victims of sexual assault may be particularly sensitive to personal boundary issues. Touching, even if intended as a supportive, comforting gesture, should not be initiated without the permission of the victim.
- Maintain a non-judgmental, non-threatening tone.
  - Listen carefully and respond positively and appropriately,
  - Balance questions by asking about the victim’s feelings or reactions.
  - Do not interrogate victims.
  - Avoid “why” questions, as that can imply blame.
- Use behaviorally specific or commonly understood vocabulary
  - Do not refer to sexual contact as “making love.”
  - Clarify and explain unfamiliar terminology.
- Do not re-victimize by requiring the victim to relive the trauma of the offense.
  - Use other available sources of information, such as police reports or medical reports to obtain details, rather than asking the victim to repeat highly sensitive or emotional details.
  - Avoid any unnecessary focus on sexual activity. Excessive questioning related to these areas can be intrusive and appear voyeuristic.
- Allow sufficient time for the interview.
  - Do not rush the victim or interrupt the victim’s response.
- Conclude the interview by offering information.
  - Ask the victim to comment on anything that may have been omitted.
  - Allow time for the victim’s questions.
  - Offer an agent business card to the victim, along with a work address and telephone number. Encourage contact if the victim chooses to add information at a later date.
  - Offer written information services and assistance available through local sexual assault programs or other victim service programs.
- Interview law enforcement staff and obtain a copy of all reports relating to the violation(s). The agent may obtain more information through an interview with the investigating officer.
- Contact the district attorney’s office to determine if there are any pending charges.
- Contact other agencies that may have information about the violation(s). These may include social services, a parent resource center, medical centers, etc. Obtain all available reports.
- Examine and preserve all physical evidence, including items seized during a home search or obtained from the victim or witness if they are not in police custody. This material must be handled pursuant to procedures described in confiscation procedures established by the supervising authority.

### **Disposition of Violations**

Every violation of probation and parole needs must be reviewed by the supervision staff and must be met with a specific response. The violation(s) and response(s) must be documented in

the official record of supervision. Sanctions must be imposed by the supervision staff and should be progressive and sufficient to address the violation(s). Upon completion of the investigation, a review will be conducted by the agent and supervisor to determine disposition of the violation.

**Possible Revocation**

- Commission of sexually deviant/assaultive or other criminal behavior;
- Violation of standard sex offender or special rules/conditions of supervision;
- Termination from specialized treatment without prior agent approval; and
- Violation of conditions of the offender's relapse prevention plan.

**Factors to Consider**

- The offender's risk level and his/her perceived threat to the community;
- Relative to the nature of the offender's prior sexual offenses:
  - Determine if the violation(s) indicates a risk to re-offend;
  - Examine possible relationships between the violation and prior sexual offenses; and
  - Determine if the violation is related to the offender's pattern of sexual deviance.
- Relative to new victims caused by the violation:
  - Consider the victim's statement;
  - Consider social services and the law enforcement report; and
  - Determine if confinement is necessary to protect the victim and/or potential victims.
- Relative to the offender's statement regarding the violation(s):
  - Consider if the offender is denying or minimizing behavior;
  - Consider if the offender is cooperative in providing a statement.
- Relative to progress in specialized treatment:
  - Consider the offender's participation in treatment;
  - Consider the opinion of the treatment provider regarding the alleged violation(s);
  - Determine if the offender failed to recognize lapses associated with the relapse prevention plan; and
  - Determine if treatment would be better achieved in a confined setting.
- Relative to access to additional specialized treatment:
  - Consider the availability of specialized community treatment that could adequately address the offender's behavior;
  - Determine if the offender is willing to participate in specialized treatment; and
  - Consider the offender's prior adjustment to and level of participation in specialized treatment.
- Relative to the potential risk of additional violations:
  - Determine if the offender continually chooses to engage in high-risk behaviors; and

- Consider if the offender continues to violate rules and conditions of supervision, regardless of past sanctions.

**Intermediate Sanctions**

In some cases, lower level violations may present opportunities to modify the offender's behavior through the use of intermediate sanctions. Possible sanctions include, but are not limited to:

- Written warning and instructions;
- Parole agent imposed special conditions;
- Increased reporting requirements;
- Curfew, including electronic monitoring;
- Restrict residency changes (except in emergency situations);
- Travel restrictions;
- Outpatient or inpatient treatment program; and
- Placement in structured living arrangements (community corrections center).

The Violation Sanctioning Grid (VSG) has been developed to help the PBPP supervision staff to respond to probation and parole violations. The matrix of intermediate sanctions available to the Parole Supervision Staff can be found in the VSG that is attached to this section.

Refer to the supervising authority's (agency) policies, procedures and case law to prepare for hearings or other judicial proceedings and interviews.

### **Bibliography: Supervision of Sex Offenders**

Cumming, G., and Buell, M. (1997), *Supervision of the Sex Offender*, Brandon, VT: The Safer Society Press.

Fox, Robert, M.S., Psychotherapist, *Family Reunification*, Elmer Green Associates, Inc.,

Steinmetz, Melissa N., A.C.S.W., *Safety Rules*, Holy Cross Counseling Group, South Bend, IN.

## Appendix 12-A: Safety Rules for Family Reunification

*Adapted from rules developed by Melissa N. Steinmetz, A.C.S.W., Holy Cross Counseling Group, South Bend, IN*

- The offender must never be alone with the victim.
- The offender must never enter the bathroom when the victim or other children are present.
- The offender must never enter the bedroom of the victim or other children.
- The offender must never participate in whispering or horse playing with the victim or other children.
- The offender must never have secrets with the victim or other children.
- The offender must never tickle the victim or other children.
- The offender must never roam in the house when the non-offending parent is asleep.
- The offender must never assist in any physical hygiene of the victim or other children.
- The offender must be appropriately dressed at all times.
- The offender must never discuss dating or sexuality with the victim or other children.
- The victim and other children must never be allowed in the offender's bedroom.
- Both parents are to enforce rules and consequences, but the non-offending parent administers consequences with offender support. Responsibility for consequences is shared, so the non-offending parent is not perceived as the "bad guy."
- All family members must be appropriately dressed at all times.
- Locks must be present on the bedroom doors of the victim and other children and on the bathroom.
- The offender must awaken his/her mate if he/she needs to use bathroom or leave his bedroom during sleeping hours.
- The process of reunification begins when safety rules are in place.

**Appendix 12-B: Home Provider Agreement Letter (Sex Offender)****HOME PROVIDER AGREEMENT LETTER (SEX OFFENDER)**

NAME: \_\_\_\_\_

PAROLE NUMBER: \_\_\_\_\_

- I have been advised of the conditions of parole of the Pennsylvania Board of Probation and Parole.
- I understand this parolee will be required to live at this residence, if approved, for a length of time as determined by Parole Supervision Staff.
- I understand that the parolee must have access to the residence at all times and must be provided with a key.
- I understand that parole agents conduct scheduled and unannounced home visits during day and evening hours.
- I understand the Parole Supervision Staff has a right to search the residence at anytime when reasonable suspicion exists that parole has been violated. I will not deny them access to this residence. I understand that if I deny access to Parole Supervision Staff, the laws of Pennsylvania give Parole Supervision Staff the authority and responsibility to force entry to my residence to search for the parolee or contraband without the need of a warrant.
- I understand the parolee may be subjected to a mandatory curfew and compliance with this curfew will be verified by electronic monitoring and personal visits by agents during the hours of his/her curfew. I understand that this may require the receipt of random telephone calls from a computer and electronic monitoring equipment may be attached to my telephone. If this equipment is attached to my telephone I understand that special telephone services such as CALLER ID, CALL WAITING, THREE WAY CALLING will have to be removed.
- I understand the parolee is not permitted to live in a residence where firearms or other weapons are kept and I hereby certify that no firearms or other weapons are in this residence nor will any be brought into this residence as long as the parolee is residing here.
- I understand the parolee will not be permitted to associate with anyone using or selling drugs and I certify that no one who resides in this residence either uses or sells illegal drugs.
- I understand that if the parolee stops reporting there will be a routine search of the home if the agent obtains information later that the parolee has returned to the home, the agent may return to re-search until the parolee is located. Additionally I may be required to appear at parole hearings to give testimony regarding any violations of parole.
- I understand that anyone interfering in the lawful arrest of a parole violator is subject to arrest by police and prosecution for Obstructing Administration of Law Section 5101 PA Crimes Code and if convicted can be sentenced to one to two years imprisonment.

I certify that none of the following materials are in the home and will not be brought into the home as long as the parolee resides there: pornographic literature, photographs, magazines, CD-Roms or books. Pornography is defined but not limited to, pictures of nude or partially nude males or females and articles or stories describing sex acts or encounters.

If the victim was a minor then the offender will have no contact with any individual under the age of eighteen years, including relatives.

I certify that I am the principal owner or lessee of this property and that in granting the parolee permission to reside here I agree to all of the above conditions.

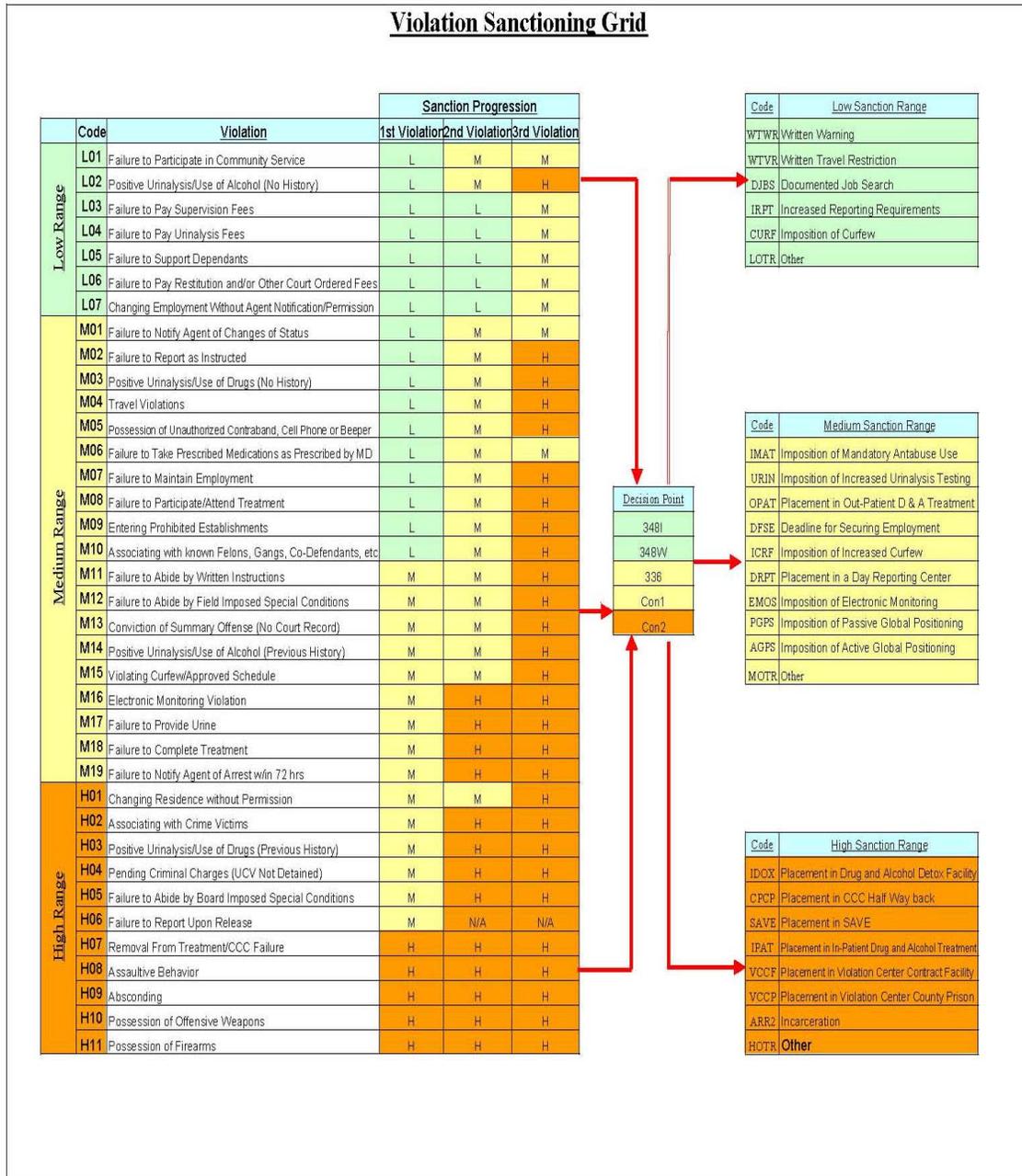
NAME OF HOME PROVIDER: \_\_\_\_\_

ADDRESS OF HOME PROVIDER: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE AND DATE: \_\_\_\_\_

PAROLE AGENT SIGNATURE: \_\_\_\_\_

Appendix 12-C: PBPP Sanctioning Grid



**CHAPTER 13 — USE OF POLYGRAPH**

## Overview

The containment approach to sex offender management is a five-part strategy that includes the following components:

- A victim-centered approach (with a clearly articulated community safety/victim-oriented mission).
- A coordinated, well-informed, multi-disciplinary, collaborative team(s) effort;
- A variety of containment strategies; including the team of a:
  - Supervising agent,
  - Treatment provider, and
  - Post-conviction polygraphist, all working together to obtain the information needed to manage the sex offender.
- Consistent, informed public policies based on research and best practices; and
- Quality control exercised with program monitoring and evaluation.

The post-conviction polygraph, when used appropriately by the properly trained individuals, moves us closer to our goal in sex offender management: the need for complete and accurate information to determine risk to the public, and to develop a treatment plan that meets the offender's needs.

It is necessary to gather accurate information to fully assess and supervise the offender. More often than not, effective treatment and use of appropriate tools reveals the offender has more victims, more types of deviant sexual behavior, and a longer history of offending than previously reported. Until all facets of a sexual offender's deviant behavior, victimizing history, and offense behavior are uncovered, proper treatment, supervision, and intervention cannot take place.

Post-conviction polygraph is recommended in both the Containment Model and by the Association for the Treatment of Sexual Abusers (ATSA).

## Why Polygraph?

Sex offenders have deceived many people for many years by offending through a cloak of secrecy and deception; few believe the sex offender will become 100 percent truthful following his/her conviction. Criminal justice system personnel can become the next victims of the sex offender's manipulative deception.

The post-conviction polygraph is used to get information from the offender that he/she would otherwise prefer to keep secret. The emphasis by the agent and treatment provider is always for the need for complete truth as a first step toward offender responsibility, accountability, and community safety. Offenders are encouraged to reveal the truth, not threatened. Agents and treatment providers emphasize the value of complete disclosure to develop an appropriate treatment plan. Much information is needed—from the offender's age of onset to the offender's thinking and offending strategies.

Effective treatment and supervision requires interventions directed to each offender's patterns of sexual assault, or *modus operandi*. The polygraph is integrated into the treatment and

supervision practices surrounding the sex offender to verify that the information obtained, identify the precise offender treatment needs, and evaluate treatment impact.

It is important to understand the polygraph and polygrapher are part of a treatment and supervision TEAM. These types of polygraphs are not investigations. They are not like the polygraph used to get any type of confession for conviction. The role of the pre- and post-polygraph interview (typically performed by the polygrapher) is to prepare the person for the polygraph and to explore the issues following the polygraph.

Guidelines for conducting polygraph examinations of post-conviction sex offenders are established by the nationally renowned American Polygraph Association (APA). Other professional organizations exist, but the APA is the most recognized and accessed organization.

Pennsylvania does not license polygraphists. It is important that all persons and agencies that work with polygraphists conduct post-conviction sex offender polygraph research guidelines to determine a polygraphist's qualifications. Membership in the APA guarantees the polygraphist has satisfied training and testing to meet basic guidelines. Proof of completion of training for advanced sex offender testing is verified by passing the certification examination conducted by APA. Proof of certification is maintained by the APA and the examiner.

### **General Statement of Program Goals and Objectives**

Sexual offenders present an unacceptable risk of re-offense. In an effort to minimize this risk and enhance public safety, the polygraph program seeks to improve and focus the treatment, monitoring, and accountability of sex offenders through the use of clinical polygraph.

Polygraph has been described, not as a "lie detector," but as a truth facilitator. The clinical polygraph examination is used as a monitoring tool for sex offenders on community supervision. It encourages and facilitates the disclosure of information necessary to evaluate an offender's risk. The use of clinical polygraph examination is also intended to enhance public safety by encouraging the offender to acknowledge criminal behavior(s), technical violations, and other behavior(s) associated with that offender's risk to re-offend. The clinical polygraph examination is also used in conjunction with sex offender treatment to increase treatment efficacy. The clinical polygraph examination facilitates information disclosure by the offender; this can be used to help identify and evaluate the offender's deviant behavior and refine the treatment process. The disclosures made by the offender may help evaluate the offender's progress in sex offender treatment. Finally, a clinical polygraph examination may also deter sex offenders from deceiving their therapist and probation and parole agent.

- The objective of all post-conviction polygraph of sex offenders is to not to gather evidence for prosecution, but to gather information from the offender for treatment and supervision purposes. Issues of validity and reliability are useful discussions for courtroom procedures, particularly as they relate to Frye and Daubert standards. These issues are not as relevant, however, in post-conviction treatment and management, where the focus is utility. The usefulness or utility of the post-conviction sex offender polygraphs, is for the information they provide to treatment providers and agents. This might include information about the

offender's plans, fantasies, and if a potential victim is being groomed. Prevention and community safety are the goals of post-conviction polygraph.

### **Policy Statement**

It is suggested that agencies providing treatment or supervision of sex offenders adopt a written policy statement that relates to the use of polygraph with sex offenders and include language such as: "The Department uses clinical polygraph examinations both as a treatment and supervision tool with sex offenders under field supervision. Clinical polygraph examinations are not a substitute for traditional supervision activities, such as surveillance, case planning, investigation, and treatment. While clinical polygraphs may enhance the effectiveness of these strategies, it is not a stand-alone intervention."

The utility of clinical polygraphs rests on admissions made by offenders in response to the clinical polygraph process. It does not rest on polygraph examination results, or the examiner's professional opinion about an offender's truthfulness or deception during a polygraph examination. Chart tracings consistent with truth or deception, and professional conclusions reported by an examiner should be considered as advisory only, and must be treated as possible indicators of areas that potentially call for traditional inquiry and investigation.

### **Department Policy**

- A clinical polygraph examination may only be used as a monitoring tool to enhance traditional methods of treatment, case planning, and supervision.
- A deceptive or inconclusive polygraph result alone does not constitute a violation of supervision. There must be some concrete evidence and/or an admission by the offender to conclude that a violation has occurred.
- Polygraph examination results and conclusions may not be relied on to determine if a violation of supervision has occurred and may not form the basis of a request for revocation.
- Polygraph examinations results may not be relied on as evidence of truth or deception, and may not be asserted as proof of any matter of inquiry by the examination in any proceeding. This includes a revocation proceeding, a court review, or a response to an offender's request for supervisory review of an agent's decision.
- Polygraph examination results and conclusions may not be relied on to justify any custody/detention (or release from custody/detention) decision. This includes investigatory detention decisions. However, all policies regarding mandatory detention in the case of allegations of assaultive behavior apply when there is a deceptive opinion rendered by the examiner and a specific victim is identified.
- An agent may not require an offender to achieve a particular outcome on a polygraph examination to avoid custody or any other negative consequence, nor may an agent predicate any privilege on a polygraph outcome. This includes travel permits, permission to drive, attempts at family reintegration, etc.

**Program Goals**

The overall goals of the clinical polygraph examination process are to:

- Facilitate disclosure of offense pattern and sexual history information for supervision and treatment purposes;
- Enhance offender accountability for behavior that occurs while on supervision;
- Encourage increased accuracy of offender self-report;
- Enhance offender monitoring and facilitate earlier identification of supervision rule violations and criminal behavior;
- Provide a deterrent to violation activity, including re-offense;
- Better identify specific treatment needs of sex offenders; and
- Facilitate disclosure of previously unknown information for purposes of assessment, treatment, and monitoring, and to help focus treatment planning and provision.

**Target Population**

Ideally, all sex offenders would be subject to polygraph examination, since many offenders have committed numerous offenses before they are caught. Moreover, many offenders engage in crossover behaviors, inasmuch as they have victims outside the age and/or sex for which they were arrested. Scarce resources, including the lack of sufficient numbers of trained polygraphists, suggest that minimally, offenders classified as “high risk” should be subject to polygraph as part of their management.

**Videotaping The Polygraph**

Some polygraphers strongly recommend that the polygraph examination and interviews be videotaped. Not only does this enhance the ability for quality control, it insures an avenue to check offender’s claims that they “didn’t say that” or were “coerced” by the polygrapher.

**Quality Assurance**

Each treatment team using the polygraph should be able to say that the agency performed quality assurance on their polygrapher(s). This includes a review of a sample of polygraphs by an independent examiner not affiliated with the polygrapher or agency. The reviewer will watch the videotapes, examine the report, and score the polygraph to insure reasonable consistency and reliability of the polygrapher’s ability. This is important and enhances the credibility of the agency and polygrapher.

### Selecting the Offender

The process for selecting a case for participation in the clinical polygraph program follows:

- The agent should consult with the offender's sex offender treatment provider to discuss the offender's treatment needs, progress, etc. Staff should identify specific ways in which the use of clinical polygraphy may enhance the offender's treatment and rehabilitation. If the offender's treatment provider is not familiar with clinical polygraphy, the provider may not be considered qualified to work with a sex offender.
- Staffing with the contracted polygraph examiner should determine if an offender is appropriate for testing and to discuss specific ways clinical polygraphy might be used in the context of the offender's supervision and treatment plans.
- Case staffing about potential and ongoing participation in the polygraph program should be an ongoing part of the case planning process.
- Staffing about program participants shall address the development and/or refinement of supervision rules and case plan objectives as appropriate.
- The agent shall document all staffing, including the initial supervisory participation decision and rationale.
- An agent may not refer an offender or require an offender to undergo a polygraph examination in a manner or for any purpose that is not consistent with policy and procedure regarding polygraph examinations.

### Notice of Participation

The offender should be provided, in writing, the full extent of the use of the polygraph. The offender should acknowledge that he/she has had the information provided and read to him/her.

### Payment Policy

Wherever possible, the offender should pay the costs of the polygraph along with all parts of his/her treatment.

### Types of Polygraph Examinations

Generally, the type of polygraph examination administered to an offender is a joint decision between the polygraph examiner and the polygraph case management team.

### Sexual History/Disclosure Examination

The sexual history/disclosure examination facilitates disclosure and verification of the offender's lifetime sexual history and scope of sexual deviancy. This examination generally covers the lifetime of the offender prior to the date of conviction, excluding any *instant offenses*. This type of examination is conducted as part of the offender's sex offender treatment. A sexual history/disclosure examination may only take place *after* the offender has been actively involved in an approved sex offender treatment program. An agent shall only schedule this examination after consulting with both the treatment provider and polygraph examiner.

This type of examination may be administered several times during the course of treatment and supervision to facilitate thorough disclosure of an offender's sexual history. The offender must complete a detailed social/sexual history questionnaire for his/her treatment provider before the examination. This document is generally completed within six months of the start of treatment. In this document, the offender will record the gender, age, and method of assault for every past victim. This type of examination should *never* be conducted when the offender is in denial, is not cooperating with supervision rules, and/or is under investigation for rules violation and/or new criminal behavior.

The polygraphist reads this history, along with all other case file information, and asks the offender specific questions about the accuracy of parts of his/her sex history. The clear expectation is that the offender will be accurate and truthful in the history, and that the polygraph will be able to verify truthfulness, thus increasing the offender's incentive to disclose the information.

### **Instant Offense Examination**

The instant offense examination is administered to offenders who deny and/or seriously minimize some or all of their behaviors in the instant offense.

An instant offense examination may take place before the start of offense-related treatment. It may also be administered as part of an offender's participation in a denier's group and may be used as part of a general assessment of the offender's risk and treatment needs. The purpose of this examination is to help determine treatment readiness and break down denial; it is not used to determine or affirm guilt or innocence.

Finally, the instant offense examination is used for other specific issues: a single concern or suspicion that arises during the offender's probation and parole, and as clarification follow-up to deceptive results on previous exams.

### **Maintenance Examination**

This type of examination is conducted to gain information regarding an offender's compliance with rules of supervision. The "time of reference" is all or any defined part of the offender's current period of supervision (e.g., from date of conviction to present, or period of time since the last polygraph examination, etc.).

Verifying compliance with treatment and supervision terms permits the agent and treatment provider to collectively identify questions that target high-risk behavior related to the assault patterns described in the offender's sexual history document.

Typical areas of inquiry during a maintenance examination include:

- Technical rules violations,
- Alcohol/drug use,
- Law violations, and
- Providing false information to the agent.

A maintenance examination may be randomly administered at four-to-six-month intervals. A maintenance examination does not depend on the offender's involvement in, or motivation for programming, level of denial, or supervision adjustment.

### **Monitoring Examination**

Monitoring examinations are conducted to obtain information about illegal sexual acts, contact with minors, or other rule violations of a sexual nature that have occurred during the offender's supervision.

A monitoring examination may only address one issue and is not a general, random search for admissions, but rather, is a narrowly focused inquiry into a specific concern. The monitoring examination is designed to determine if the offender has:

- Engaged in prohibited sexual activities that would constitute a re-offense;
- Planned to engage in prohibited sexual activities which would be a re-offense (grooming a child, frequenting places where children congregate); and/or
- Been unsupervised with children or someone whom he/she is not allowed.

This type of exam is given, at most, three times a year.

Polygraph examination questions are limited to the type of polygraph administered. Polygraphists should not blend questions from one type of examination to another.

### **Providing Information to the Examiner**

Polygraph examination requires an open exchange of information between the agent/supervision staff and the polygraphist. The agent must provide relevant file information to the examiner before the examination. Appropriate information may include the following:

- Criminal complaint;
- Police reports;
- Violation reports;
- Pre-sentence investigations;
- Social history investigations;
- Offender statements regarding the offense or violation;
- Victim's statement;
- Relevant treatment reports;
- Relevant psychological/psychiatric reports;
- Current supervision rules;
- List of all currently prescribed medications; and
- Reports regarding any pending charges or ongoing criminal investigations.

### Release of Examination Information

Polygraph examination reports may contain highly sensitive and/or confidential information. The release of any information to unauthorized persons regarding an offender's polygraph participation requirements and examination scheduling/process/report/results, etc. is prohibited.

### Admissions

As with any admission by an offender to a violation or possible violation activity, in response to an admission(s) to criminal behavior and/or technical rules violation(s) made by an offender during the course of the clinical polygraph examination process, an agent shall conduct a violation investigation and determine a disposition, if appropriate.

- Polygraph examination results/examiner conclusions *shall not* be relied upon to justify a custody decision.
- There *must* be either an admission by the offender and/or other evidence of a violation to place the offender in custody.
- Examination results *may* form the basis of a violation investigation and may result in a heightened level of supervision.
- Heightened supervision responses *may* include more restrictive rules/conditions, more stringent reporting requirements, increased surveillance, and the like.

The examination results *shall not* form the basis of any punitive action, such as detention or a recommendation for revocation. Polygraph examination results are not the centerpiece of the polygraph program's utility. The polygraph program's effectiveness rests with admissions to behavior facilitated by the offenders' fear of detection.

By not relying on polygraph examination results to drive supervision, many of the difficulties associated with polygraph are overcome. The polygraph examination process facilitates and encourages admissions by offenders to behavior that would otherwise be unknown to the department.

### Mandatory Reporting Requirement

The polygraph examination process may bring to light previously unreported criminal behavior. In Pennsylvania, any agent with reasonable cause to suspect a child has been abused or neglected must report the information to the county social/human services agency or the municipal police department.

This includes/applies to information disclosed by an offender during the course of the clinical polygraph examination process, the pre-examination, in-test, and post-examination phases.

Regardless of whether an agent reports such information to social services/law enforcement, when an agent receives an examiner's professional opinion that the offender was not truthful regarding the sexual or physical abuse of a child and there is no admission to the behavior (nor any other supporting evidence beyond the examiner's professional opinion), the agent should treat the opinion as an allegation of assaultive behavior and proceed accordingly. In addition to following DOC policies and procedures governing mandatory custody/detention in the face of an assaultive allegation, agents should exercise professional judgment about how best to handle the

situation. To the extent possible and appropriate, agents should investigate and dispose of the allegation and should staff the situation with their supervisor. Staffing may also be held with the offender's treatment provider and the polygraph examiner, as appropriate.

The agent shall comply with any request(s) from the investigating authorities for written or other documentation concerning the reported incident. Both the initial reporting and any follow-up action taken by the agent, regardless of reporting, are documented.

### **Polygraph Team**

The team shall include, at minimum, the offender's assigned agent and the sex offender treatment provider. Additional members might include the offender's therapist or other treatment providers, other field agents, and/or the unit supervisor.

The polygraph examiner functions as the team's consultant and clinical polygraph subject matter expert. Information about an offender's participation in the polygraph examination process shall be shared among members of the polygraph team and integrated into the team's case planning and treatment planning.

### **Countermeasures and Other Forms of Non-Cooperation**

The specific circumstances associated with an allegation of the use of countermeasures should be documented in the examiner's final report. Such documentation should specifically articulate the factual basis for the examiner's assertions, and may include a written description of the tracings, observed behavior, and/or any offender admissions to using or attempting to use countermeasures. If an agent receives such information from a polygraph examiner, the agent must conduct a violation investigation and dispose of any violation, if any, after staffing the results of the violation investigation with the polygraph team and field supervisor.

Countermeasures may be seen as a violation of the condition of supervision to undergo polygraph and should be documented to show one of the following:

- An admission by the offender to engaging in (or attempting to engage in) countermeasures;
- A written description of the specific behavior observed by the examiner or other witness;
- An explanation of how this behavior constitutes actual or attempted countermeasures;
- A written description and explanation of the polygraph tracings the polygraphist asserts are compelling evidence of the use or attempt to use countermeasures; and/or
- A written description of any other specific evidence not included above.

An offender's admission to having knowledge of countermeasures, and/or an admission to seeking information about countermeasures DOES NOT constitute a violation, and shall not be considered evidence of the use of countermeasures. However, the method of inquiry into countermeasure information by an offender may constitute a violation, such as unauthorized computer/Internet use, unauthorized presence at a library or bookstore, etc.

An agent shall not use a test result (charts consistent with truthful responses, charts consistent with deceptive responses or inconclusive charts), or an examiner's professional

conclusion/opinion (offender is truthful, offender is not telling the truth, or examiner offers no opinion) as evidence supporting an allegation of the use of countermeasures. In other words, just because an examination outcome/result is not what was expected, unless there is some other reason to believe that countermeasures were used, an agent may neither allege nor conclude that countermeasures were responsible for a test's outcome.

If an examiner's polygraph examination report alleges specific acts, behaviors, or other evidence associated with the use of countermeasures by the offender, the agent shall initiate a violation investigation. The purpose of this violation investigation shall be to determine whether there was the use/attempted use of countermeasures by the offender and, if so, what form it took. A written violation report shall be prepared if it is established that a violation has taken place.

The results of the violation investigation shall be staffed with the polygraph team and supervisor, if appropriate, and the results of the staffing, including disposition, shall be recorded.

Any non-countermeasure act of non-cooperation with the polygraph examination process also constitutes a violation of the offender's supervision. The agent shall conduct a thorough violation investigation whenever significant non-cooperation by the offender is alleged. The agent shall complete a written violation report if it is determined that a violation has occurred. The agent shall staff the situation with the polygraph team and supervisor, as appropriate, for disposition.

### **Inconclusive Results**

Inconclusive results indicate that the chart tracings for a particular question are not of sufficient magnitude to indicate either truth or deception. An inconclusive test result should not be interpreted as anything other than an unreadable chart. It is neither positive nor negative, but an indication there is insufficient data to determine the truthfulness or deception of an offender's response to a particular question. Inconclusive chart tracings can be caused by many factors and are not necessarily cause for punitive action.

An "inconclusive" result refers *only* to the hard data contained in the chart tracings in response to a particular test question. It should not be viewed as a "degree" of truthfulness or deception, nor should it be viewed as an indicator of an attempt to "beat" the polygraph by employing countermeasures.

### **No Deception Indicated**

"No deception indicated" describes chart tracings consistent with a truthful response to a test question. This type of test result should not be interpreted as an absolute statement about an offender's behavior. It only reflects chart data and indicates nothing about an offender's use of countermeasures or any other factor that may have affected test results.

A result of "NDI" means only that the polygraph instrument recorded physiological phenomena at a particular time, in response to a particular question, and that those recordings were consistent with a truthful response.

An examiner may properly conclude that an offender is not telling the truth, despite a chart that indicates no deception, if, in the examiner's opinion, something other than the offender's truthful response caused the tracings to appear as they did.

Agents must not rely on a “no deception indicated” finding to make case decisions, even if the examiner’s professional opinion is that the offender is being truthful. Agents must only consider such information as advisory and use it to reinforce case decisions made within standard departmental guidelines, based on the polygraph team’s professional training and judgment.

**Deception Indicated**

As with other test results, a result of “deception indicated” shall not be relied upon when making case decisions. Even if it is an examiner’s professional opinion that an offender is not being truthful, such a finding shall serve only as an indicator that something may be occurring that calls for closer scrutiny/surveillance of the offender and his activities. Again, it is not the examination results that are of most value—it is admissions made by offenders in anticipation of examination results.

If a polygraph examiner concludes that an offender is not telling the truth, agents shall approach the situation as they would in any other instance when they receive unsubstantiated information about an offender’s possible violation activity. An offender shall never be placed in custody, nor be subjected to any other punitive/disciplinary action by the agent based on the outcome of a polygraph examination.

In the case of a polygraph examination that indicates deception by the offender, the assigned agent shall, after staffing the case with the polygraph team, question the offender about the outcome, and attempt to discern what, if any, violation(s) has occurred.

If the offender admits to behavior that constitutes a possible violation of supervision rules and/or the law, the same process that would occur for any such violation/investigation shall take place. If there is no admission by the offender, the agent shall staff the case with the polygraph team to determine what, if any, modifications should be made to the offender’s rules of supervision/case plan.

These modifications shall be consistent with those that might be made in response to any other similar suspected violation. Possible modifications in response to a deceptive polygraph outcome without any admissions by the offender might include increased reporting requirements, increased surveillance/unannounced home visits, more restrictive supervision rules, etc.

Placement in treatment, termination of treatment, and assessment of treatment readiness/progress shall not be based on a polygraph examination outcome. In particular, treatment readiness shall not be determined by “passing” a sexual history/full disclosure examination. Successful completion of a denial-focus group shall not rely on the results of any polygraph examination, particularly on a sexual history examination, as this type of examination is to be used only within the context of a sex offender treatment program, not a pre-treatment program. It is a treatment tool only.

## Admissions of Violent Activity

When an offender admits to a rules violation or to new criminal behavior, and the admission occurs during the course of a clinical polygraph examination, the examiner shall contact the assigned agent immediately and inform the agent of the admission. The agent shall treat the admission as any other such discovery of violation activity would be treated. Custody issues, investigations, staffing, and sanctions, if warranted, shall be handled in a manner consistent with established policy and procedure.

The results and outcome of a polygraph examination shall not be treated as “evidence” of any behavior. Polygraph examinations are a tool with which offenders are encouraged to provide truthful information about their whereabouts and activities, which they would not otherwise have disclosed.

Polygraph examination results shall not be the basis of a recommendation for revocation or be used as evidence of anything at a revocation proceeding. It is not a violation to have a “deceptive” outcome (or any other result or outcome) on a polygraph examination.

An agent may not:

- Utilize any allegation regarding a clinical polygraph examination;
- Call a polygraph examiner to testify about any aspect of a clinical polygraph examination; or
- Use any aspect of a clinical polygraph examination process as evidence at a revocation hearing without the written approval of DOC legal counsel.

## Summary

The use of polygraph is only one tool in sex offender management, used to facilitate the truth, not to detect lies. The goal of the process is to provide greater information for the sex offender management team to enhance treatment and supervision. Polygraph is never a substitute for good supervision.

## Glossary of Polygraphy Terms

### Frey Standard

In the course of the Frey trial counsel for defendant offered an expert witness to testify to the result of a deception test made upon defendant. It is asserted that blood pressure is influenced by change in the emotions of the witness. Scientific experiments, it is claimed, have demonstrated that fear, rage, and pain always produce a rise of systolic blood pressure, and that conscious deception or falsehood, concealment of facts, or guilt of crime, accompanied by fear of detection when the person is under examination, raises the systolic blood pressure in a curve, which corresponds exactly to the struggle going on in the subject's mind, between fear and attempted control of that fear, as the examination touches the vital points in respect of which he is attempting to deceive the examiner.

In other words, the theory seems to be that truth is spontaneous, and comes without conscious effort, while the utterance of a falsehood requires a conscious effort, which is reflected in the blood pressure.

"The rule is that the opinions of experts or skilled witnesses are admissible in evidence in those cases in which the matter of inquiry is such that inexperienced persons are unlikely to prove capable of forming a correct judgment upon it, for the reason that the subject-matter so far partakes of a science, art, or trade as to require a previous habit or experience or study in it, in order to acquire a knowledge of it. When the question involved does not lie within the range of common experience or common knowledge, but requires special experience or special knowledge, then the opinions of witnesses skilled in that particular science, art, or trade to which the question relates are admissible in evidence."

### Polygraph

This is an instrument that continuously, visually, permanently, and simultaneously records any changes in cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards and is used, or the results of which are used, to detect deception or verify the truth of statements made by an examinee.

### Polygraph Team

This is the case management team comprised of people responsible for the supervision, treatment, and evaluation of an offender who is required to undergo polygraph examinations. Minimally, this team consists of the assigned agent and the sex offender treatment provider. The contract polygraph examiner functions in a consultative role for issues specifically related to polygraph examinations. The team's purpose is to ensure there is a coordinated effort to determine when a polygraph examination is warranted, the issues to be addressed, and how information associated with the examination process will be communicated to and addressed by team members.

**Sexual History/Disclosure Examination**

Sexual history/disclosure examinations facilitate disclosure and verification of the offender's lifetime sexual history and scope of sexual deviancy.

**Instant Offense Examination**

This type of examination is administered to offenders who deny and/or seriously minimize some or all of their behaviors in the instant offense.

**Maintenance Examination**

This type of examination is conducted to gain information about an offender's compliance with rules of supervision.

**Monitoring Examination**

Monitoring examinations are conducted to obtain information about illegal sexual acts, contact with minors, or other rule violations of a sexual nature that have occurred during the offender's supervision.

**Examination Outcome/Test Result vs. Professional Opinion/Conclusion**

- The "in-test" phase of each clinical polygraph examination is comprised of a series of "tests" or questions to which the offender must answer "yes" or "no." Each of the offender's answers to a question generates a "chart" or "tracing," representing the measurement of certain physiological changes in the offender's body. These measurements are permanently and visually recorded by the polygraph instrument and are subsequently analyzed by the polygraph examiner to determine test results.
- A test result of "truthful," "deceptive," or "inconclusive" refers *only* to the characteristics and appearance of the actual measurements recorded by the polygraph instrument in the form of chart tracings. Test results are raw data and are insufficient to permit conclusiveness as to offender truthfulness or deception. The test results are only one part of the information necessary for an examiner to draw a professional conclusion about the truth or deception of an offender's answers.
- Once the charts are analyzed, the examiner must consider if any factor other than a truthful or deceptive response could account for the chart data. After reviewing all relevant factors, including the charts/tracings, the examiner draws his/her professional opinion/conclusion about the truth or deception of the offender's answers during the examination.

The examiner's professional opinion/conclusion will always be one of the following:

- It is the examiner's professional opinion the offender is telling the truth.
- It is the examiner's professional opinion the offender is not telling the truth.
- The examiner does not have an opinion about whether the offender is telling the truth.  
The conclusion of "no opinion" does not necessarily indicate the examiner has no opinion, but simply that he/she does not draw a professional conclusion about the offender's truthfulness or deception in his/her responses to examination questions.

Such an opinion may be the result of any number of factors, some of which have nothing to do with the offender. For example, the examiner may believe a particular chart was likely caused by excessive noise outside the examination room, by an equipment malfunction, or improper question formulation. In this case, even if the chart tracings are clearly consistent with truthful or deceptive responses by the offender, the examiner may issue a professional conclusion of “no opinion.”

**Countermeasures and Non-Cooperation**

Countermeasures are deliberate acts committed by an offender during the polygraph examination process to affect the measurements and/or the recordings made by the polygraph instrument. Countermeasures may include acts and behaviors such as breath control techniques, muscular contractions, and self-infliction of pain.

Offenders may display non-cooperation with the polygraph examination process in ways not necessarily characterized as countermeasures as defined here. This type of non-cooperation includes such things as failure to appear for an examination or refusal to participate fully in any part of the examination process.

## **Appendix 13: Example of County Polygraph Policy Statement**

### **Subject**

Polygraph use for sex offender supervision.

### **Purpose**

The purpose is to provide a standardized means for the use of the polygraph examination on sex offenders to enhance treatment and verify compliance with the condition of supervision.

### **Policy**

All sex offenders sentenced to the Sex Offender Unit may be directed to undergo a polygraph examination by a departmentally approved examiner.

### **Procedure**

#### **I. Polygraph Examinations**

- A. All offenders sentenced to the Sex Offender Unit may be directed to undergo a polygraph examination by an approved examiner.
  - a. All offenders in denial of their instant offense, excluding individuals who were either found guilty or were sentenced as a result of a Nolo Contendere or Alford Plea, must undergo a polygraph examination.
- B. Polygraph results cannot be used as the sole basis for a violation. Possible departmental response and sanctions may include, but are not limited to:
  - a. Discussion with the containment team;
  - b. Addition of special conditions or modification of case plan;
  - c. Search of the offender or the offender's residence, vehicle, computer, or other property;
  - d. Increase in supervision;
  - e. Curfew;
  - f. Redirect back to sex offender treatment, increase treatment, or address in treatment;
  - g. Offender meeting with supervisor of the Sex Offender Unit;
  - h. Increase drug and alcohol testing;
  - i. Drug and alcohol treatment;
  - j. Restrict travel;
  - k. Notify law enforcement agencies;
  - l. Conduct a follow up polygraph examination;
  - m. Increase collateral contacts;

- n. Restrict community activities;
  - o. Confiscate computer; and
  - p. Surveillance.
- C. Any cost incurred as a result of this policy is the responsibility of the offender.
- a. If the offender is indigent, the Department may pay for the polygraph. If the offender fails to show for a departmentally funded polygraph examination, the offender will be responsible for the cost of the examination.
- II. Polygraph Examiner Qualifications
- A. A minimum of 40 hours of post conviction specialized instruction, beyond the basic polygraph examiner requirements.
  - B. Membership in organizations such as the American Polygraph Association.
  - C. Willing to work with the containment team, which may include the probation officer, children and youth caseworkers, victim advocates, other treatment individuals, and anyone else deemed appropriate by the Department.
  - D. Willing to participate in and / or provide sex offender specific training in reference to polygraphs.
- III. Testing Environment
- A. At a minimum, the testing facility will:
    - a. Afford privacy and freedom from interruptions;
    - b. Be free from visual distractions and noise problems;
    - c. Have comfortable temperature and adequate ventilation; and
    - d. Have an area sufficient for testing.
  - B. Probation officers should not normally be present during the polygraph examination.
- IV. Testing Specifications
- A. Minimum Pre-Test Interview Specifications
    - a. Examinees must be advised of the purpose of the examination.
    - b. Examinees must be advised that the examination is voluntary.
    - c. Examinees must be advised that the examination can be terminated upon request.
    - d. The examiner must have the examinee sign a waiver of confidentiality that will allow the examiner to provide detailed information about the results of the polygraph to the officer and the treatment provider.
    - e. The examination must be conducted in a professional manner and the examinee must be treated with respect and dignity.
    - f. The pre-test interview must be conducted in a non-accusatory manner.

- g. The examination must be conducted in compliance with governing local, state, and federal regulations and laws, as well as APA standards and principles or practice.
- h. Examiner must properly prepare for the pre-test interview. Preparation should include, at minimum, a thorough review of the case facts and the information known about the examinees, and the goal of the examination.
- i. The examinee must agree on the relevant test issues in advance of testing.
- j. Examiners must not display any type of bias, preconceptions, or pre-judgment of any examinee's innocence or guilt.
- k. Examiners must convey to examinees that test results will be based on the thorough analysis of polygraph charts.
- l. Examiners must provide examinees with a sufficient explanation of the polygraph, including the physiological activity to be recorded.
- m. Examiners must provide examinees with a complete review of the testing procedures.
- n. Examiners must allow sufficient time for a thorough discussion of the test issues.
- o. Examiners must review all test questions prior to testing.
- p. Examiners must verify that examinees understand each question.
- q. Examiners must satisfy the following administrative requirements:
  - i. Document that examinees were advised that the test is voluntary.
  - ii. Obtain information from the examinee about existing medical and physical conditions in order to assess fitness for testing.

**B. Minimum In-test Specifications**

- a. The Examiner shall employ a technique and format that has been validated through research.
- b. Test question pacing shall allow reasonable time for physiological recovery following response and/or distortion.
- c. Examiners shall conduct a sufficient number of charts, appropriate for testing technique.
- d. The examiner, at their discretion, may discuss the results of the polygraph with the offender.

**V. Types of Polygraph Examinations**

**A. The assigned officer may request one or more of the following types of polygraphs:**

- a. Instant Offense-Disclosure Test – A specific issue test covering the details of the offense that resulted in the current probation and/or parole. Offenders who were found guilty by a judge or jury, or who are on supervision as a result of an Alfred or

- Nollo Contendre Plea, cannot be compelled to take an Instant Offense-Disclosure Test.
- b. Maintenance Examination – Relevant test question focus on the offenders compliance with the condition of the supervision.
  - c. Maintenance-Specific Issue Examination – A specific issue test to verify offender’s self report.
  - d. Monitoring Examination – Relevant test questions focus on if the offender has sexually re-offended.
  - e. Sexual History-Disclosure Tests – Test questions verify the offender’s report of sexual behaviors and activities prior to the offense he/she is now under supervision.

VI. Communication and File Maintenance

- A. The officer may provide the polygraph examiner with copies of the criminal complaint and probable cause, victim impact letters, treatment information, case plans, and any other relevant information.
- B. The officer shall advise the polygraph examiner the type of examination requested and any specific or general issues they want explored.
- C. The polygraph examiner shall submit a written report with an explanation of the results of the polygraph to the Department within five days of the examination.
- D. The polygraph examiner shall include any recommendations for supervision, treatment, and/or relapse prevention in the report.

**CHAPTER 14 — SEX OFFENDER CONTAINMENT MODEL GLOSSARY**

**Abstinence Violation Effect (AVE):** A term used to describe high risk factors and a variety of changes in beliefs and behaviors that can result from engaging in lapses. Among the components of the AVE are:

- A sense that treatment was a failure;
- A belief that the lapse is a result of being weak-willed and unable to create personal change, a failure to anticipate that lapses will occur, and
- Recalling only the positive aspects of the abusive behavior (also referred to as the Problem of Immediate Gratification). When sex offenders are not prepared to cope with the AVE, likelihood of relapse increases. AVE is experienced most strongly when clients believe that lapses should never occur.

**AC:** Administrative Custody Status

**Adaptive Coping Responses (ACR):** A change in thoughts, feelings, and/or behaviors that helps sex offenders deal with risk factors that reduce the risk of lapse. Adaptive coping responses help sex offenders avoid re-offending (relapse) and may be general in nature (e.g., talking with a friend who is upset, hurt, or angry) or specific (e.g., avoiding children or refraining from masturbation to deviant fantasies).

**Advocate-Sexual Assault Service Provider:** An individual from an agency that provides support to a victim of sexual assault. Advocacy may include, but is not limited to, supportive services, accompaniment during legal/medical proceedings, transportation, community education, information, and referrals.

**Aftercare:** The portion of treatment that occurs after formal termination or graduation from the primary treatment program. Aftercare is provided either by the primary treatment provider or by other community resources.

**Anti-Androgens:** Substances that block the development of male hormones.

- AOD – Alcohol and Other Drugs
- ATA – Authorized Temporary Absence
- BCC – Bureau of Community Corrections

**Bureau of Offender Programs (BOP):** BOP serves as the PA Department of Corrections' central point for all essential program planning, development, and implementation in the following areas: Alcohol or Drug Addiction programs, cognitive intervention programs, parenting programs, sex offender programs, anger management programs, and domestic violence programs.

**CC:** Corrections Counselor

**CCC:** Community Corrections Center

**CCF:** Community Contract Facility

**CHCA:** Corrections Health Care Administrator

**C-PIN:** In 2006, PBPP implemented the Commonwealth Photo Imaging Network (C-PIN) in each district office. C-PIN allows criminal justice authorities to search an internet-based database of over two million arrest photos and share information on offenders. Regular updating

of offender photos is an extremely helpful tool when supervising parolees who are prone to alter their appearance often, such as sex offenders. By using C-PIN for regular photo updates of offenders, PBPP and other authorities have instant access to thousands of images of offenders under PBPP supervision. Pennsylvania is one of a few states in the country using this type of technology.

**Child Molestation:** Any attempted or actual sexual behavior with a person under the age of 18 by an adult or by another person under the age of 18, but five or more years older than the victim.

**Clarification Process:** A procedure that requires the sex offender to write a letter to the victim to relieve the victim of any responsibility for the sexual abuse and clarify what occurred in language the victim can understand. Clarification is permitted only after the offender and victim have adequately demonstrated progress in their respective therapy programs. The process is supervised by the offender's and victim's respective treatment provider and sometimes by the supervising agent.

**Clinical Polygraph Examination:** A structured interview process that uses the polygraph to aid in facilitating the disclosure and verification of an offender's sexual history, assess treatment readiness and progress, and gain information about an offender's compliance with rules of supervision. This examination is also known as a Post-Conviction Sex Offender Test (PC SOT).

**CO:** Corrections Officer

**Collateral Contact:** The sharing and use of information regarding a sex offender among law enforcement, probation/parole agents, treatment providers, employers, family members, and friends of the offender to enhance the effectiveness and quality of community supervision.

**Community Notification Laws:** Laws which allow or mandate that law enforcement, criminal justice, or corrections agencies provide citizens access to relevant information about certain convicted sex offenders living in their communities.

**Containment Model:** Comprehensive model for community management of sex offenders that highlights victim-centered, public safety model; uses multidisciplinary partnerships; external controls for sex offenders (polygraph); informs public policy; and employs quality control mechanisms.

**Covert Sensitization:** A behavioral technique in which a deviant fantasy is paired with an unpleasant one.

**CPV:** Convicted Parole Violator

**Criminogenic:** Producing or tending to produce crime or criminality.

**Crossover:** A sexual behavior pattern that reveals that a sex offender is aroused by or has engaged in multiple deviant behaviors, and exhibits characteristics of more than one sex offender typology or subtype within a typology.

**DC:** Disciplinary Custody

**DCC:** Diagnostic and Classification Center

**Denial:** A psychological defense mechanism in which the offender may act shocked, indignant, or deny any allegations of sexual abuse and/or the meanings of the facts of the abuse.

**Deniers:** Sex offenders who state they did not commit the offense and/or deny one or more elements of the offense.

**Department of Corrections (DOC):** Pennsylvania state agency charged with the care and custody of persons serving sentences that exceed two years.

**Department of Health (DOH):** Pennsylvania state agency responsible for planning and coordinating health services throughout the Commonwealth. This agency licenses and regulates a variety of health facilities, such as hospitals, nursing homes, ambulatory surgical facilities, and other outpatient and in-patient facilities.

**Department of Public Welfare (DPW):** Pennsylvania state agency responsible for services to low-income citizens, citizens with disabilities, and services for children and families throughout the Commonwealth.

**Deviant Arousal:** The sexual arousal to paraphilic behaviors. Deviant arousal is a sex offender's pattern of being sexually aroused to deviant sexual themes. Not all sex offenders have deviant arousal patterns. The most common method of assessing deviant arousal is through phallometric assessment conducted by a trained and qualified sex offender treatment specialist.

**DNA:** Deoxyribonucleic Acid. The material inside the nucleus of cells that carries genetic information. When DNA evidence is available, it is used as part of a criminal investigation to identify or rule out individuals as suspects.

**Diagnostic and Statistical Manual of Mental Disorders (DSM):** Regularly updated manual of psychiatric diagnoses and relevant diagnostic criteria.

**Disinhibitors:** Internal or external motivators (stimuli) that decrease reservations or prohibitions against engaging in sexual activities. An example of an internal disinhibitor is a cognitive distortion (e.g., "That 8-year-old is coming on to me." "She said, 'no,' but she really wants to have sex with me."). Alcohol and drug use are examples of external disinhibitors.

**Dynamic Risk Factors:** Generally divided into "stable" dynamic and "acute" dynamic. Stable dynamic are those that are expected to endure for months or years. Examples of stable dynamic are: intimacy deficits; negative social influences; attitudes tolerant of sex offending; sexual self-regulation; and general self-regulation). Acute dynamic are those that are expected to change over weeks or days. Examples of acute dynamic are: substance abuse; negative mood; anger; and victim access).

**Family Reunification:** The rejoining of the offender to his/her family. A -step detailed process that is always victim-centered, and is accomplished as part of the offender's treatment plan. Planning always includes the victim's counselor/victim advocate and should not move forward without specific consent of victim. The victim's needs and recovery are the first priority.

**FDME:** Final Discharge Expiration Date

**GBMI:** Guilty But Mentally Ill

**Grooming:** The process of manipulation utilized by sex offenders intended to reduce the potential victim's resistance to sexual abuse. It is most often used with children, the elderly, and individuals with disabilities. Typical grooming activities include gaining a child victim's trust or gradually escalating boundary violations of the child's body to desensitize the victim to further abuse.

**GP:** General Population

**Health Choices:** Pennsylvania's mandatory Medicaid managed care program.

**JNET:** Pennsylvania Justice Network. JNET was created to enhance public safety by providing a common on-line environment whereby authorized state, county, and local officials can access offender records and other criminal justice information from participating agencies.

**Risk Factors:** A set of internal motivations or external situations/events that threaten a sex offender's sense of self-control and increase the risk of having a lapse or relapse.

**Instant Offense:** Common, informally used phrase to indicate the current or recent conviction either served or being served by the offender. For clarification, *Commonwealth v. Brown*, 264 Pa. 85, 107 A. 676,678 defines offense as generally implying to a crime or a misdemeanor infringing on the public as distinguished from mere private rights, and punishable under the criminal laws. While technically an informal phrase, case law has cited the phrase "instant case" with the same meaning. (*Evans v. Pennsylvania Board of Probation and Parole*, 820 A.2d 904 (Pa. Cmwlth. 2003); and *Hugie v. Horn*, 730 A.2d 1042 (Pa. Cmwlth. 1999).

**Intensive Sex Offender Supervision (INT-SO):** A classification level of supervision for sex offender cases that requires an increased level of agent activity.

**ITP:** Individual Treatment Plan

**Lapse:** An emotion, fantasy, thought, or behavior that is part of a sex offender's cycle and relapse pattern. Lapses are not sex offenses but rather, precursors or risk factors for sex offenses. Lapses are not failures and are often considered as valuable learning experiences.

**LPM:** Licensed Psychologist Manager

**LTSU:** Long-Term Segregation Unit

**Maladaptive Coping Response (MCR):** An apparent effort to deal with a risk factor or lapse that actually enables the sex offender to move closer to relapse (e.g., an angry rapist who decides to take a drive and picks up a female hitchhiker, or a child molester who knows that he has a problem with alcohol and decides to have a drink because he is upset).

**Masturbatory Satiation:** A behavioral technique designed to reduce inappropriate sexual arousal by having the offender masturbate to deviant sexual fantasies until the moment of ejaculation, at which time the deviant sexual theme is switched to a more appropriate sexual fantasy.

**Mental Abnormality:** A congenital or acquired condition of a person that effects their emotional or volitional capacity in a manner that predisposes them to the commission of criminal sexual acts to a degree that makes them a menace to the health and safety of others. The Sexual

Offender Assessment Board (SOAB) recognizes personality disorders, paraphilias, and psychopathy to be the primary mental abnormalities as focus of SOAB assessment.

**MHU:** Mental Health Unit

**Minimization:** An attempt by the offender to downplay the extent of abuse.

**Minnesota Sex Offender Screening Tool-Revised (MnSOST-R):** A risk assessment tool commonly used for screening adult sex offenders for risk to reoffend.

**Minor:** As used in Section 9795.1 (relating to registration), is any individual under the age of 18 unless the age of the victim who is considered a minor is otherwise defined in Section 9795.

**Neighborhood:** Those persons occupying both residences and places of employment located within a 250-foot radius of a Sexually Violent Predator's (SVP) residence, or the 25 most immediate residences and places of employment in proximity to the SVP's residence, whichever is greater.

**North American Man Boy Love Association (NAMBLA):** An organization that supports the rights of all people to engage in consensual sexual relations and oppose laws which prohibit loving relationships on the basis of the age of the participants.

**Not Guilty by Reason of Insanity or Mental Defect (NGI):** A ruling by a court that deems a person is not responsible for their criminal conduct if, at the time of such conduct as the result of mental disease or defect, the person lacked substantial capacity either to appreciate the wrongfulness of his/her conduct, or conform his/her conduct to the requirements of law.

**Offender:** An individual who is designated an SVP under the provisions of Megan's Law; or required to register under Title 18 Section 9795.1 (relating to registration).

**Offense Cycle:** An offender's pattern of specific thoughts, feelings, and behaviors that lead up to and immediately follow the acting out of sexual deviance. Also referred to as "assault cycle" or "cycle of offending." Methods of addressing the assault cycle may include charting, the use of a psycho educational curriculum, individual teaching, and therapy.

**OIM:** Office of Income Maintenance.

**OMHSAS:** Office of Mental Health and Substance Abuse Services.

**OMR:** Office of Mental Retardation.

**Paraphilia:** A psychosexual disorder that is recurrent, intense, sexually arousing fantasies, urges, and/or thoughts that usually involve humans, but may also include non-human objects. This is a deviation in normal sexual interests and behavior. Some examples of paraphilia include:

- **Exhibitionism:** Sexual excitement achieved by exposing one's genitals to an unsuspecting stranger.
- **Fetishism:** Sexual arousal achieved by the use of nonliving objects.
- **Frotteurism:** Sexual arousal achieved by touching and rubbing the body of an unsuspecting person.
- **Hebephilia:** Sexual arousal/orientation to post-pubertal children.

- **Masochism:** Sexual arousal achieved by being humiliated, abused, disciplined, punished, or made to suffer.
- **Pedophilia:** Sexual arousal/orientation to pre-pubertal or pubertal children.
- **Sadism:** Sexual arousal achieved by imposing physical or psychological suffering, humiliation, abuse, discipline, or punishment.
- **Transvestic Fetishism:** Sexual arousal achieved by wearing clothes of the opposite sex.
- **Voyeurism:** A sexual arousal achieved by observing unsuspecting persons who are disrobing, naked, or engaged in sexual activity.

**Penile Plethysmograph:** A tool that may be used in conjunction with treatment to assess offender compliance and control by measuring the erectile response in male offenders.

**Personality Disorder:** Mental disorder characterized by inflexible, deeply ingrained, maladaptive patterns. Currently diagnosed personality disorders include paranoid, schizoid, schizotypal, histrionic, narcissistic, borderline, avoidant, dependent, and obsessive-compulsive. Sex Offenders with a personality disorder may display predatory behavior.

**PBPP:** Pennsylvania Board of Probation and Parole.

**Pharmacological Intervention:** A common term relating to the use of anti-androgens to processes that can affect the sexual drive of an offender to reduce the risk of re-offense.

**Polygraph:** An instrument that records continuously, visually, permanently, and simultaneously any changes in cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards and is used, or the results of which are used, to detect deception or verify truth of statements made by an examinee.

**PP&A:** Pennsylvania Protection and Advocacy, Inc.

**Precursor:** Based on an offender's specific offense cycle, behaviors, thoughts, feelings, and actions that occur prior to a sex offense and which serve as indicators that an offender may be moving toward re-offense.

**Predatory:** An act directed at a stranger or at a person with whom the relationship has been established or promoted, in whole or in part, for the purpose of victimization.

**Problem of Immediate Gratification (PIG Phenomenon):** The PIG phenomenon is part of the AVE, which occurs when sex offenders selectively remember the positive sensations experienced during or immediately after past assaults, and forget the delayed negative consequences. Recalling only the immediate positive sensations from past assaults increases the likelihood of relapse. When sex offenders learn to counter the strength of the PIG phenomenon by focusing on the delayed negative effects of their acts (and the immediate and delayed harmful impacts of victims), the likelihood of relapse decreases.

**PSA:** Psychological Service Associate

**PSS:** Psychological Services Specialist

**Psychopath:** An offender diagnosed with a disorder characterized by many of the following behaviors: glibness and superficial charm; grandiosity; excessive need for

stimulation/proneness to boredom; pathological lying; cunning and manipulation; lack of remorse or guilt; shallow affect; parasitic lifestyle; poor behavior controls; promiscuous sexual behavior and many short-term relationships; early behavioral problems; lack of realistic long-term goals; impulsivity; irresponsibility; history of juvenile delinquency; likelihood of revocation on conditional release; and criminal versatility.

**Psychopathy Checklist Revised (PCL-R):** A clinical instrument to assess the degree to which an individual has characteristics of psychopathy. This is a 20-item instrument that is scored by the evaluator, based on collateral information and typically, an interview of the offender.

**PV:** Probation or Parole Violation

**Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR):** A risk assessment tool that assesses sexual re-offense risk among adult sex offenders at five- and ten-year follow-up periods.

**Relapse Prevention:** A multi-dimensional model incorporating cognitive and behavioral techniques to treat sexually abusive and aggressive behavior.

**Reunification:** A gradual and well-supervised process through which a sex offender (generally an incest offender) is allowed to reintegrate back into the home where children are present occurs after the clarification process and includes a detailed plan for relapse prevention.

**Risk Factors:** A set of internal stimuli or external circumstances that may threaten a sex offender's self-control and thus, may increase the probability of lapse or relapse.

**Sadist:** A person who displays a callous disregard toward others and is aroused by the pain and suffering of his victims.

**Seemingly Unimportant Decisions (SUDS):** Decisions sex offenders make that seem to them to have little bearing on whether a lapse or relapse will occur but which, in fact, actually draw the offender closer to factors that increase the probability of another offense.

**Sexual Offender:** A person who has been convicted of a sexually violent offense as set forth in Section 9795.1 (relating to registration) and who is not determined to meet the criteria for SVP under Section 9795.4 (e) (3) (relating to the designation of SVP) Sexually Violent Offender (SVP): A person who has been convicted of a sexually violent offense as set forth in Section 9795.1 (relating to registration) due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses. Applies to an individual determined by another state, territory, federal court, the District of Columbia, or by court martial.

**Sex Offender Need Assessment Rating (SONAR):** A method for measuring change in risk levels developed to measure dynamic factors, i.e., those variables that could change as the result of therapy.

**Sex Offender Registration:** Process required by law that requires offenders to provide their addresses and other identifying information to a state agency or law enforcement agency for the development and maintenance of a database to be used to increase community protection.

**Sex Offender Treatment:** A comprehensive set of planned and organized therapeutic experiences and interventions that are researched-based intended to improve the prognosis,

function, and outcome of offenders to reduce their risk of sexual re-offense or other sexually abusive or aggressive behavior.

**Sexual Deviancy:**

- **Sexually Deviant Behavior:** Sexual behaviors that are considered abnormal, atypical, unusual, and may be illegal, e.g., pedophilia;
- **Sexually Deviant Arousal:** Sexual arousal considered abnormal, atypical, unusual, e.g., prepubescent children and/or to violence, humiliation, or terror.

**Sexual Exploitation:** A form of assault that involves an attempt or the actual assault of a victim who does not have the capacity to give informed consent and/or is in a position of less power than the perpetrator.

**Sexually Violent Predator Law:** Refers to 42 Pa. C.S. §9791, et seq. This statute creates a process for registration, community notification, and treatment of persons convicted, of certain sexually violent or sexually motivated offenses, and found by the court to meet the criteria for Sexually Violent Predator.

**Sexual Offenders Assessment Board (SOAB):** The agency charged with the responsibility of assessing certain sex offenders convicted under 42 Pa. C.S. §9791. The SOAB follows criteria set forth in statute to determine if, in its opinion, the offender meets the criteria for SVP.

**Static-99:** A risk assessment instrument that has been shown to predict violent and/or sexual recidivism in sex offenders.

**SMU:** Special Management Unit

**SNU:** Special Needs Unit SOU – Sex Offender Unit

**SSNU:** Secure Special Needs Unit

**Static Risk:** Risk that remains the same and is generally based on historical factors that do not change, such as a prior record.

**SVP:** Sexually Violent Predator

**TPV:** Technical Parole Violator

**Trigger:** An external event that begins the offense cycle, such as seeing a young child, watching people argue, etc.

**Three Strike Law:** An offender convicted under this provision in Pennsylvania is to be sentenced to life in prison. This applies to sex offenders convicted under 42 Pa.C.S. §9791.

**Violence Risk Appraisal Guide (VRAG):** A risk assessment tool designed to assess sexual and nonsexual violence re-offense risk among adult male offenders. This tool has 12 items scored by clinical staff using a weighted scoring key.

**CHAPTER 15 — RESOURCES AND REFERENCE MATERIALS**

