2016 Static-99R Booster Session: Overview of New Manual

L. Maaike Helmus  
Lmaaikehelmus@gmail.com

Who is this Training for?
- Current users of Static-99R who have already obtained training from a certified trainer
- This training on its own is NOT sufficient to score Static-99R

Training Overview
- Recap on STATIC scale evolution
- Changes in coding manual
- New research and recommendations
  - New risk categories
  - Recap of normative data

Changes in Coding Manual: Overview
- Introductory material updates
- Appropriate populations
- General definition expansions/changes
  - What counts as charges vs convictions
  - Prior offences
  - Category A/B and newfangled internet crimes
- Item rules & clarifications
  - Internet offences
  - Non-contact sex offence
  - Unrelated victim

The Evolution of Static-99R/Static-2002R
- STEP 1: Identify Static Risk factors
  - [Hanson & Bussière, 1996, 1998]
- STEP 2: Combine Risk Factors
  - RRASOR (Hanson, 1997)
The Evolution of Static-99R/Static-2002R

- STEP 1: Identify Static Risk Factors
  - (Hanson & Bussière, 1996, 1998)
- STEP 2: Combine Risk Factors
  - RRASOR (Hanson, 1997)
- STEP 3: Add More Risk Factors
  - STATIC-99 (Hanson & Thornton, 1999, 2000)

Static-99

- Most commonly used actuarial risk scale for sexual offenders
- Moderate predictive accuracy in 63 replications
  - $d = .67, \text{ or roughly AUC } = .68$ (Hanson & Morton-Bourgon, 2009)

Neal & Grisso (2014)

- 434 psychiatrists/psychologists (868 cases)
- Most from US, Canada, Europe, Australia, New Zealand

Neal & Grisso (2014)

- Sex offender risk assessments
  - Static (99, 99R, 2002, 2002R) = 66%
  - PCL-R = 35%
  - Personality assessments
    - MMPI (27%)
    - PAI (23%)
    - MCMI (17%)
  - SVR-20 = 14%
  - Others: 10% or less
    - RSVP, STABLE, SORAG, VRAG

Blais & Forth (2014)

- 111 reports for Dangerous Offender hearings (court or prosecution-appointed)
- PCL-R used in over 95% of reports
- Static-99 was most common risk scale (60%)
- 64% of the sample had a current sex offence
Archer et al. (2006)

<table>
<thead>
<tr>
<th>Scale</th>
<th>Ever Use</th>
<th>Using more than half the time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Static-99</td>
<td>77%</td>
<td>44%</td>
</tr>
<tr>
<td>SVR-20</td>
<td>66%</td>
<td>18%</td>
</tr>
<tr>
<td>MinSOST-R</td>
<td>39%</td>
<td>16%</td>
</tr>
<tr>
<td>RRASOR</td>
<td>53%</td>
<td>11%</td>
</tr>
<tr>
<td>SORAG</td>
<td>47%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Risk Instruments

U. S. Programs for Adult Males

JÄSENTYNYT RISKIARVIO - 99.02
JRA/STAATTINEN 99

<table>
<thead>
<tr>
<th>Riskitekijä</th>
<th>Pisteet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Aikaisemat seksuaalirikokset</td>
<td>0 1 2 3</td>
</tr>
<tr>
<td>2) Tuntematon</td>
<td>0 1</td>
</tr>
<tr>
<td>3) Ei-sukslainen</td>
<td>0 1</td>
</tr>
<tr>
<td>4) Miespuolinen uhri</td>
<td>0 1</td>
</tr>
<tr>
<td>5) Illan kosketusta</td>
<td>0 1</td>
</tr>
<tr>
<td>6) Yksinäinen/naimaton</td>
<td>0 1</td>
</tr>
<tr>
<td>7) 18-24 vuoden ikäinen vapautuessa</td>
<td>0 1</td>
</tr>
<tr>
<td>8) Ei-seksuaalinen vakivalta laskentatuomiossa</td>
<td>0 1</td>
</tr>
<tr>
<td>9) Ei-seksuaalinen vakivalta aiemmissa</td>
<td>0 1</td>
</tr>
<tr>
<td>10) Yli neljä tuomiota</td>
<td>0 1</td>
</tr>
</tbody>
</table>

Static-2002

- Developed to increase conceptual clarity and improve predictive accuracy
- 3 items identical to Static-99
- 6 items similar
- 5 new items
- 2 Static-99 items dropped
Development of Static-99R/2002R (Helmus, Thornton, Hanson, & Babchishin, 2012)

- Original age item of Static-99 and Static-2002 did not fully account for the low recidivism rates of the oldest (>60) offenders
- New age item developed
- New item fully accounts for age
- Recommendation: Use Revised versions over original scales

ROC Meta-Analysis Results (Babchishin, Hanson, Helmus, 2012)

<table>
<thead>
<tr>
<th></th>
<th>Sexual Recidivism</th>
<th>Violent Recidivism</th>
<th>Any Recidivism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Static-99R</td>
<td>.684</td>
<td>.703</td>
<td>.718</td>
</tr>
<tr>
<td>Static-2002R</td>
<td>.686</td>
<td>.708</td>
<td>.732</td>
</tr>
</tbody>
</table>

All Differences Non-Significant (p > .05)

Predictive Accuracy of Static-99R

- Helmus, Hanson, Babchishin, Thornton, & Harris, 2012
  - AUC = .69 to .70
- 22 samples, 8,055 sex offenders
- Canada, US, UK, Denmark, Austria, Sweden, Germany, New Zealand

Static-99R and Static-2002R both add incrementally to risk prediction

- Babchishin, Hanson, & Helmus, 2012
  - Combining 7 validation samples
  - Replicated by Lehmann et al., (2013)
- Results suggest averaging results is most accurate

The Evolution of Static-99R/Static-2002R

- STEP 1: Identify Static Risk factors
  - (Hanson & Bussière, 1996, 1998)
- STEP 2: Combine Risk Factors
  - RRASOR (Hanson, 1997)
- STEP 3: Add More Risk Factors
  - STATIC-99 (Hanson & Thornton, 1999, 2000)
- STEP 4: Add Again (and other improvements)
  - STATIC-2002 (Hanson & Thornton, 2003)
- STEP 5: Revise Age Weights
  - STATIC-99R/2002R (Helmus, Thornton, Hanson, & Babchishin, 2010)

Developing the BARR-2002R (Babchishin, Hanson, & Blais, 2015)

- Brief Assessment of Recidivism Risk
- Developed to predict violent and general recidivism among sex offenders
- Static-2002R Age Item
  +
- Sum of 5 Static-2002R General Criminality Items
Why do we need the BARR-2002R?

- Sexual deviance and victim items of Static-2002R are most relevant for sexual recidivism.
- For predicting violent and any recidivism, BARR-2002R has significantly greater accuracy than Static-2002R or Static-99R.

BARR-2002R: Implications for Static-99R

- We no longer endorse using Static-99R to comment on risk for violent recidivism.
- To discuss violent recidivism risk, use BARR-2002R.

Summary/Recommendations

- Static-99R and Static-2002R predict sexual recidivism with similar accuracy.
- Static-99R has more research; Static-2002R has greater conceptual clarity.
- Both add incrementally.
- Case management: 2002R.
- Estimating absolute recidivism rates: Static-99R (or both).
- High-stakes evaluations (SVP, DO): Both.
- We do not recommend using RRASOR.
- If commenting on violent or general recidivism: Report the BARR-2002R.

Revised Coding Manual

The Origin of the Coding Rules

- Based on definitions used in original datasets.
- Validation studies.
- Coding Rules (Harris, Phenix, Hanson, & Thornton, 2003).
- Discussion among scale manual authors.
  - Increase conceptual consistency, clarity.
- Feedback from users.
- Extrapolations (what we would have scored if we had encountered such cases).
  - Different legal systems, new crimes (e.g., internet).

Caveats

- This training SUPPLEMENTS the new manual.
  - It does not replace the need to read the manual in full.
- If using Static-99, these coding rules also apply.
Manual vs Workbook

- Scoring the items
- Interpreting the score
- Obtaining total score
- Normative data
- Percentiles, risk ratios, recidivism estimates
- Few changes over time
- Changes may be more frequent

Introduction

- Static-99R is intended to position offenders in terms of their relative degree of risk for sexual recidivism based on commonly available demographic and criminal history information that has been found to correlate with sexual recidivism in adult male sex offenders.
- Baseline estimate of risk

Timeframe/Scope

- Static-99R assesses risk of recidivism on the day the offender is released from the index sex offence
- Everything that happens after that day is not considered (exception: time free effects)

Outcome Being Predicted

- New charge or conviction for sexual offence
- New normative data – half the sample use charges, half convictions
  - Definition doesn’t meaningfully influence results (Helmus, 2009)

Training

- Still recommend training from certified trainer
  - Can be live or online, but should be interactive
  - Q&A supervised practice on case examples
- Existing users should receive training on 2016 manual
- Certified trainers will need to be re-certified
Self-Report: Clarification

- Criminal history items
  - Except in rare circumstances, self-report should not be used INSTEAD of criminal records
    - If used, should meet threshold of Clear and Convincing Evidence
  - Self-report can always be used to SUPPLEMENT criminal records
    - E.g., motivation

Sections Expanded/Updated

- Treatment
- Interrater reliability of Static-99R
- Revised risk categories (more on this later!)
- Adolescents who sexually offend
- Non-caucasian offenders
- Mentally disordered offenders
- Developmentally delayed offenders

Appropriate Populations

- Time Offence-Free in Community After Index Release
  - Similar trend: risk decreases with time in community sex offence free
  - No Appendix with specific adjustments
  - No restriction that the scale cannot be used for offenders more than 10 years post-release

Time Offence-Free in Community After Index Release

- General principle from Hanson, Harris, Helmus, & Thornton (2014)
  - In general, for every 5 years the offender is in the community without a new sexual offence, their risk for recidivism roughly halves
  - More detailed research ongoing

Adolescents who Sexually Offend

- Viljoen et al (2012) meta-analysis found acceptable relative predictive accuracy; no studies examining absolute predictive accuracy
- Can use WITH CAUTION for offenders age 17 when they committed the index sex offence
**Statutory Rape: Criteria**

- Not suitable for individuals whose only sexual “crime” involves consenting sex with a similar age peer younger than age of consent.
  - Alleged victim states it was consensual and has never claimed otherwise;
  - Offender had no pre-existing power relationship over alleged victim; AND
  - Alleged victim less than 3 years younger than offender (5 years if offender is of lesser cognitive developmental capacity)

**Violent and General Recidivism**

- Do not use Static-99R
- Use BARR-2002R instead (available with Static-2002R training)

**Static-99R Appropriate For**

- Offenders whose current offence is not sexually motivated
  - Provided there is a sex offence somewhere in their history
- Developmentally delayed offenders (Hanson et al., 2013)
- Offenders with mental health issues
- NOT for those who aid/abet sexual offence unless there is evidence of sexual motivation

**Non-Caucasian Offenders**

- Trend for better prediction for Caucasian offenders, BUT
  - Three studies finding no significant difference in accuracy for non-Caucasian offenders
- Use with caution/caveats
- Stay tuned for updated research

**Gender Transformation**

- Scale intended for males
- Male-to-Female: To be considered ‘no longer a male’
  - Individual has no penis
  - Has lived as a woman for at least two years
- Scale not applicable for Female-to-Male offenders
  - Too far outside sample frame of scale

**Info Required**

- Interview is not required
Polygraph Info: Clarified

- Info derived solely from polygraph interviews is not used.
- Exclude admissions initially made in preparation for a polygraph examination, during the pre-polygraph interview, during a post-polygraph interview, or subsequent to testing deceptive on a polygraph examination.
- Include only if it becomes sufficiently detailed to make a new criminal investigation practical.
  - E.g., “On January 15th 2013, in Marlborough, MA, when visiting with relatives Mark and Mary Smith, I sexually abused their 5 year old son by sucking his penis.”

Terminology: Standards of Proof

1) Beyond a reasonable doubt (BRD) – near certainty
2) Balance of probabilities (BOP) – more likely than not (51%)
3) Clear and convincing evidence – between BRD and BOP. Pretty confident.

Standards of Proof

- Two general decisions
  - Does this count as a conviction/sentencing occasion?
    - Equivalent to BRD, or at least CCE
  - Most other decisions
    - E.g., victim a stranger? Sexually motivated? Would the offender be sanctioned if not on parole?
    - Use BOP

Definitions

- Sex Offence
  - Official record of sexual misbehaviour (charge or some kind of sanction)
  - An offender admitting to an offence and that admission being cited in an official report is not an official record of a sex offence.
  - BUT if official report refers to an official criminal record that no longer exists (e.g., pardoned/expunged, youth record deleted), that can count.

Sex Offence: Threats

- Credible threats specific to a sex offence count
  - E.g., “If you don’t do what I say, I will rape you.”
Clarification: Counting as both Sex Offence and NSV Offence

- E.g., sexual assault and assault
- NSV behaviour must be part of the sex offence (same victim) and part of the behaviour necessary to achieve the sexual assault (e.g., gain compliance)
- If the NSV was distinct (e.g., the offender rapes a woman, and during his escape assaults a bystander), it counts as NSV only (not sex offence)

Sex Offences: Category A versus Category B

Category A Sex Offences

- Sexually motivated offences involving an identifiable child or non-consenting victim
- Category A is NOT synonymous with contact offences
- Identifiable does not mean you need to know the personal identity of the victim

Category B Sex Offences

- Typically one of following:
  - Sexual behaviour that is illegal but the parties are consenting or no specific victim is involved
  - Indecency without a sexual motive
- Also: Non-disclosure of HIV status
  - No matter the charge (e.g., aggravated sexual assault, attempted murder)
- All prostitution offences, EXCEPT paying for sexual services of someone unable to provide consent

Revenge Porn: Category B

- Revenge porn: Distributing obscene images of a person without their consent
- Behaviours motivated by anger/revenge but have a sexual connotation are Category B

Sexual Threats Online: It Depends

- Category A
  - Credible threats against identifiable victim
- Category B
  - Impersonal/generic threats where there is doubt that the threat could realistically be carried out
    - E.g., anonymous rape threats online
- Not an offence
  - Non-criminal behaviours that normally would not attract a criminal charge for someone not involved in the criminal justice system, even if the offender gets institutional violation
    - E.g., “suck my dick”
Underage Sexting: It Depends

- Sending sexually explicit photos/messages
- Category “B”
  - If the person has shared underage sexts with other peers
- Not a sexual offence at all
  - If the sexts remain solely between two underage peers (“sender” and “receiver”)

Publicity Obscenities

- E.g., rude sexual comments made into female journalist’s microphone
- Not counted as sexual offences, even if they result in criminal charges

Victims: Category A vs B

- Victims of Category B offences are not considered in the victim items, EXCEPT
  - Victims from non-disclosure of HIV status (they are counted)

New to “Category A” List (or Clarified)

- Compelling the commission of a sex offence OR other sexual behaviour (e.g., flashing on webcam), regardless of whether it is compelled in person or via the Internet
- Conspiracy to commit sex offence
- Distributing obscene materials to minors (UNLESS evidence suggests economic motivation)
- Covert photography
- Facilitating sex offence with a controlled substance
- Internet luring
- Juvenile sex tourism (traveling to another country to engage in sexual behaviour with juveniles that is illegal in the country of origin)

New to “Category B” List (or Clarified)

- Possession of child pornography (digital, child bots, written stories that are for the offender’s own use and not shared, drawings that did not involve a live child model, avatars)
- Not informing partner of HIV positive status
- Polygamy
- Revenge porn
- Sexting shared with others without the original person’s consent
- Statutory rape offences
Category B: Prostitution Clarification

- Buying sexual services of minor is Category A
- All other prostitution offences are Category B
- Offering prostitution services
- Pimping/pandering
- Profiting from child prostitution
- Coercing others into sex trade
- Seeking/hiring/soliciting (unless prostitute is minor)
- Selling porn to minors (giving it for free is Category A – assumes sexual motive)

Parole/probation/conditional release violations as sex 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, and the behaviour results in a sanction
- E.g., suspension or revocation, NOT just an investigation or report.

Parole/probation/conditional release violations as sex offences

- Failure to register as a sex offender is not a sexual offence
- Do not count purely technical offences (e.g., being in the presence of children)

Truly Imminent: Old

- 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.

Truly Imminent: New

- It should be established based on clear and convincing evidence that a sex offence would have occurred as part of the same behavioural sequence (minutes to hours) but for detection and intervention from others. Ex: an individual with a history of child molesting being discovered alone with a child and about to engage in a “naked wrestling game.” A sex offender in the presence of children, even against his conditions of community release, is not considered “truly imminent” as the offender may choose not to molest for an indefinite period of time or even at all.

Institutional Rule Violations

- Poorly timed or insensitive homosexual advances, consenting sexual interactions with another offender, or consenting sexual interactions with a visitor would not count even though this type of behaviour might attract institutional sanctions.
- The exception would be if the sexual behaviour was so flagrant that it seemed clear the offender wanted someone to witness the sexual interaction.
Institutional Rule Violations

- The evaluator must be sure that the sexual misbehaviour actually occurred (based on a clear and convincing evidence threshold) and it is clear the institutional punishment was in response to the sexual misbehaviour (based on the clear and convincing evidence threshold). Finally, if the punishment is an institutional move, it must also be clear that the move is to a more secure environment and not a parallel move.

Prison misconducts count as one charge per sentence, even if there are multiple incidents and sanctions.
- Even if offender is released and returned to prison under same sentence
- Official criminal charges for behaviours that occurred in prison are exempt from the one-charge-per-sentence rule.

What Counts as a Conviction/Sentencing Date Versus a Charge?

- Charges
  - Index sex offence
  - Item 5: Prior sex offences
- Convictions
  - Items 3/4: Index/prior NSV
  - Item 6: Prior sentencing dates
  - Item 7: Any non-contact sex offence

General Principles

- Anything that counts as a conviction/sentencing date also counts as a charge
  - But not vice versa
- What qualifies as conviction/sentencing date are the same, but they are ‘counted’ differently
  - Number of convictions
  - Number of sentencing dates/occasions (can have multiple convictions included)

Conviction/Sentencing Date: General Definition

- Offender attends court, admits to the offence (or is found guilty), and receives some form of sanction (fine, prison, conditional sentence).
- Found not criminally responsible counts if the disposition involves either institutional and/or mandated community sanction/care
Conviction

- Do not count very minor offences for which it would be impossible to go to jail or to receive a community sentence (e.g., drinking under age, speeding).
- In Canada, all criminal code offences would be deemed serious enough to count; in contrast, most municipal by-laws would be of insufficient seriousness to count (e.g., parking, zoning infractions, keeping animals in the city).
- Graduated penalty offences are counted if it is at all possible to receive a custodial sentence eventually.

Conviction: When in doubt:

- A conviction requires ALL of the following:
  - A court or administrative tribunal using due process, resulting in
  - An admission or finding of guilt, and
  - Beyond a reasonable doubt OR clear and convincing evidence if not criminal court
  - A sanction

Probation, Parole, or Conditional Release Violations

- Counts as charge
  - Criminal offence anyone could be charged with

- MAY count as conviction

Probation, Parole, or Conditional Release Violations - Conviction

- Offence for those not under sanction
- Probation
  - Court hearing, finding of guilt, new sanction
- Parole
  - Parole authority determines the offender is guilty, AND offender must stay in custody after determination of guilt (not just time served).
  - Revocation without finding of guilt is not a conviction
- See manual for examples of how to determine this in the absence of sufficient info

P/P/CR Violation as Sex Offence

- Attempted sex offences can count
  - A) person may be charged with new sex offence, but after breach, he is sent back to prison with long remaining sentence, and prosecutor decides not to bother with new charge
  - B) Truly imminent sex offence

Counting P/P/CR Violations

- Separate occasions are each counted
- But multiple violations laid at the same time count as one charge/conviction
- To count as separate, need to commit violation after sanction for previous one
**P/P/CR Violations for Lifers**

- Removes requirement for formal finding of guilt and new sanction
- Should be confident that if the offender were not on parole, it is highly likely they would receive a charge and conviction

**Clergy, Military, & Other Professions**

- Complaint to professional regulatory body resulting in investigation does not count as charge.
  - Determine reasonable/probable grounds that offence occurred + sanction = charge, but not conviction
- Parallel legal process (e.g., military law, church canon law) with finding of guilt and clear sanction = conviction
  - Includes transfer to organization with mandate to address the offending problem

**Juveniles**

- Never count offences committed at age 11 or younger, even if criminally responsible
- Do not count offences at age 12+ if offender below absolute threshold for criminal responsibility in that jurisdiction
- Offences committed at age 18+ always counted as adult offences, even if processed in separate system

**Juveniles**

- Juveniles may be treated as an “offender” or through the social service system
- If handled through court system, it counts the same way as adult offences
- Social service systems
  - Out-of-home placements or transfers to more secure settings count as charge (sometimes), not conviction
  - Also counts as ONE charge per intervention, regardless of number of offences
  - For offences committed between ages 12-15, count only ONE charge, regardless of number of interventions

**Juveniles: Transfers**

- Can count as charges
  - Behaviour anyone could be charged with
  - Transfer is in response to criminal behaviour (Clear and Convincing Evidence)
  - AND transfer is to more secure setting (CCE)
    - Could be from home to residential care

**Mentally Disordered and Developmentally Delayed Offenders**

- Informal hearings and sanctions such as placement in treatment facilities and residential moves can count as a charge
- Would be counted as conviction only if it meets the general principles of what counts as a conviction
Count as Convictions

- Pardoned/expunged offences
- Stayed sentences – if there is finding of guilt and sanction (stayed charges do not count)

Charges

- Arrests
- Charges not resulting in conviction
- Convictions overturned on appeal
- Parole and probation violations (MAY also count as conviction)
- Unfit to stand trial
- Peace Bonds/Judicial Restraint Orders, and "810" Orders
  - Only if used as sanction for a behaviour, not when used preventatively

Do NOT Count as Charges or Convictions

- Detected by Child Protection Services
- Fail to appear in court
- Juvenile extension of detention
- Questioned by police

Offence Clusters, Pseudo-Recidivism, Historical Offences, and Prior Offences

General Principle

- With minor exceptions, to count anything as separate offences or sentencing dates, the offender has to be DETECTED for an offence, and then choose to reoffend

Post-Index Offences

- Where the behaviour occurs after the sentencing date for the index offence
  - Or, if no sentencing date, latest processing date for charges (e.g., when charges dismissed)
- Commits offence before sentencing for index, but conviction occurs later, it can still count. Static-99R score could be updated for new conviction for behaviour occurring pre-index sentencing date
Examples

- Offender is released on bail for the index sex offence, commits an assault, and then is later convicted for the index sex offence. One year later, the offender is convicted for the assault.
  - NOT a post-index offence, because behaviour is pre-sentencing date for index

- However, if the offender was not convicted for the index sex offence, then the assault WOULD be a post-index offence, because in the absence of a conviction, behaviour after detection for the index offence would count as a post-index offence.

Priors

- Count as prior if the offender committed a new offence after being detected for the offence in question, but prior to the detection for the index sex offence (or the latest index sex offence detection in a cluster).

Examples

- Joe Smith sexually offends against his daughter between 2000 and 2005 and is charged and sentenced in 2006. He commits a sexual assault against another victim in 2001 and is sentenced in 2001. He commits a non-sexual assault in 2004 and is charged and convicted in 2004.
  - Both the 2001 and 2004 circumstances count as priors. The offender chose to keep offending after being detected in 2001, and again in 2004.

- John Johnson sexually offends against his daughter between 2000 and 2004 and is charged and sentenced in 2006. He commits a sexual assault against another victim in 2001 and is charged in 2001. He commits a non-sexual assault in 2005 and is charged and sentenced in 2005.
John Johnson sexually offends against his daughter between 2000 and 2004 and is charged and sentenced in 2006. He commits a sexual assault against another victim in 2001 and is charged in 2001. He commits a non-sexual assault in 2005 and is charged and sentenced in 2005.

- The 2001 charge is a prior sexual offence.
- The nonsexual assault becomes part of an index cluster.

Richard Jones sexually offends between 1976 and 1979. He commits a sexual offence in 1988 and is sentenced in 1989. He commits a sexual offence in 2002. Due to publicity for this offence, his victims from the 1970s come forward and he is convicted and sentenced for the 2002 offence as well as the historical offences from the 1970s.

- The offences from the 1970s are part of the index cluster. The sexual offence in 1988 is a prior.


- Even though the two sentencing dates are almost a decade apart, they are considered an index cluster.

Priors

- Count as prior if the offender committed a new offence after being detected for the offence in question, but prior to the detection for the index sex offence (or the latest index sex offence detection in a cluster).
Example

- Index sex offence behaviour
- Non-sexual offence behaviour
- Non-sexual offence detection/conviction
- Index sex offence detection/conviction

In this example, there are no prior offences, because the offender has never reoffended after detection for a previous offence. These offences would all be part of an index cluster.

Example

- Index sex offence behaviour
- Non-sexual offence 1 behaviour
- Non-sexual offence 1 detection/conviction
- Non-sexual offence 2 behaviour
- Index sex offence detection/conviction
- Non-sexual offence 2 detection/conviction (at the same time)

The first non-sexual offence counts as a prior. The second non-sexual offence is part of the index because the behaviour occurred prior to detection for the index offence. To count this as a post-index offence, the behaviour would have had to occur after the sentencing date for the index offence.

Example

- Non-sexual offence 1 behaviour
- Non-sexual offence 1 detection/conviction
- Non-sexual offence 2 behaviour
- Index sex offence detection/conviction
- Non-sexual violence 2 detection/conviction

The first non-sexual offence counts as a prior. The second non-sexual offence is considered post-index because the behaviour occurred prior to the sentencing date for the index sex offence even though the detection and conviction didn't occur until after the detection/conviction for the index sex offence.

Example

- Non-sexual offence 1 behaviour
- Non-sexual offence 1 detection/conviction
- Index sex offence behaviour
- Non-sexual offence 2 behaviour
- Non-sexual violence 2 detection/conviction

The first non-sexual offence counts as a prior. The second non-sexual offence is part of the index because the behaviour occurred both after the behaviour and detection/conviction for the index sex offence.

Scoring the 10 Items
Item 1: Age at Release from Index Sex Offence

- Does NOT get updated over time after release
- Does not get re-assessed if offender revoked from conditional release for index offence
- May be very different from age at release from current offence
- For index cluster, use latest release
- Sent directly for SVP commitment without release from index = not released yet

What Counts as Release?

- Parole
- Probation
- Supervised/conditional release
- Under GPS monitoring
- Bail
- Released under own recognizance
- Living in psychiatric facility or rehab VOLUNTARILY

Does not Count as Released

- Work release from custody
- Escape or elopement status
- Living in psych facility or rehab INVOLUNTARILY
- In the community with such severe restrictions that opportunities to offend are similar to jail (e.g., house arrest)

Possible exception

- It is possible to make a judgement call that although an offender was “released” from the Index sex offence, they were returned to custody for a technical violation so quickly that the case is more comparable to someone who has been continually incarcerated with no release at all, and you could score their age based on their current anticipated age of re-release. This decision should only be made in extreme circumstances. All of the following conditions must apply:
  - the offender was in the community for a short period of time after the initial release from the Index offence (no more than 6 months)
  - he was returned to custody for a technical violation, and
  - since the revocation, the offender has been in custody for 10 or more years without any kind of release.
- If this decision is made, the Evaluator should clearly explain why they did not count the initial release.

Options when offender is not yet released

- Score based on current age, with conditional wording
- Score based on first likely release date, with conditional wording
- Score multiple ways to reflect range of possible release dates, with conditional wording

Item 2: Ever Lived With

- Do not count relationships after release from index sex offence
- Regardless of gender expression/identification
- Can count polyamory, couple still living with someone’s parents, if one person is a sex worker
- Do not count homelessness, roommates who have sex, long-distance relationships
- Need to have had sex at least once
### Ever lived with
- Do not count quality of relationship
  - Physical/emotional abuse not considered
- Must be 2 years after both parties reached the age of consent to marry
- Adult victims of sex offences do not count, unless lived together for two years before sex offences began
  - If sexually offended against partner’s children, relationship with partner still counts (regardless of when abuse started)

### Extended Absences
- Some room for discretion in cases of employment, caring for ill family member
- Consider nature/consistency: Honest attempt at long-term committed relationship?
- Absences for incarceration do not apply here
  - Incarcerations for 1 month or less can be tolerated

### Items 3 & 4: Index & Prior Non-Sexual Violence
- Tweaks/clarifications related to index, priors, and disentangling criminal events are all relevant here
- Index non-sexual violence: Does not have to be same conviction date – as long as it’s part of Index Cluster

### Sexual versus non-sexual violence
- **Sexual offence**
  - Sexual motivation
  - Name of the offence does not matter
  - Charges, convictions
- **Non-sexual violent offence**
  - Motivation does not matter
  - Sexual or non-sexual motivation
  - Name of the offence indicates violence, but does not necessarily indicate sex
  - Convictions only

### New to List of NSV Offences
- Abduction
- Attempted child stealing
- Any “attempted” violent offence
- Battery
- Car jacking
- Child abuse
- Compelling the commission of an offence
- Cruelty to animals/animal neglect
- Extortion
- Home invasion
- Manslaughter
- Stalking

### Not sure if violent?
- Legal definition must have mandatory component involving intentional force, touching, threats, and/or behaviour directly and intentionally leads to concern for one’s safety
Offences Scored as BOTH a Sex Offence and a Non-Sexual Violent

- E.g., forcible confinement, assault
- May be part of same sentencing occasion as sex offence. Only score as BOTH sex and non-sexual violence if directed towards victim of sex offence.
- If incidental/accidental victim (e.g., harming someone while fleeing), it is not part of sex offence – NSV only

Item 5: Prior Sex Offences

- Plea Bargains
  - Consider charges that “go to court”
  - Use the charges that are still in place at the time the trial begins or just prior to the plea bargain
  - If no charges go to court, count one charge

Item 6: Prior Sentencing Dates

- Multiple dates forming a sentencing occasion CLUSTER count as one sentencing date

Item 7: Non-Contact Sex Offence

- Any illegal sexual act where the offender did not touch the victim (or touching was incidental to the offence), AND either
  - A) victim coerced into nothing beyond perceiving the offence, OR
  - B) No attempt made by the offender to make the victim aware that they were being victimized

*Note: this definition applies to all sex offences - in person or online

Non-Contact Offences

- Secretive peeping (including secret recordings)
- Breaking into a house to steal fetish items
- & the usals from the previous manual

Contact

- Compelling the commission of a sex offence
- Positioning someone to watch an offence
  - Sending a recording of the offence is non-contact though
- Blackmailing someone to undress or masturbate
Non-Contact Sex Offences

- Can be prior or index
- Can be the only sex offence, or there may also be contact sex offences
  - Could be in same sentencing occasion as contact, but the conviction has to be clearly linked to the non-contact behaviour
- Could be Category A or B

Internet Offences

Internet Offences

- Contact
  - Trying to meet a minor for sex
  - Coerce victim to engage in sexual acts (judge based on offender intent, not victim’s cooperation)
  - Through threats, coercion, or for children under 16, manipulation
- Non-Contact
  - Sexual chat with minors, no attempt to meet (could include vague discussions of meeting with no attempt at follow-through)

Child Pornography

- Contact
  - Paying to view child abused live
  - Paying for specific CP to be created
  - Directing child to engage in sexual behaviour or adult to engage in sexual behaviour with child
- Non-Contact
  - Viewing CP online
  - Written instructions to child directing sexual activity
  - Written instructions to adult to sexually abuse child
  - Written instructions to adult to sexually abuse child

Include Victims

- Category A offences
- NOT Category B offences (except non-disclosure of HIV status)
- Non-contact offences with clear victims, such as exposure, voyeurism, B&E for fetishistic purposes
- Paying to view a child abused online or have child pornography specifically related counts
- Count intended victim, not actual victim
  - E.g., Internet offences

Victim Items (8-10)

- Category A offences
- NOT Category B offences (except non-disclosure of HIV status)
- Non-contact offences with clear victims, such as exposure, voyeurism, B&E for fetishistic purposes
- Paying to view a child abused online or have child pornography specifically related counts
- Count intended victim, not actual victim
  - E.g., Internet offences
**Person Restrained/Confined to Facilitate Sex Offence, or Forced to Witness**

- Count only if there is evidence that forcing them to witness is part of sexual motivation
  - E.g., self-admitted fantasies, clear part of offence planning, statements to witness during offence suggesting sexual motivation
- Do not count people who need to be restrained in order to access sex offence victim

**Missing Information**

- Need to know characteristics for AT LEAST one victim
- If other victims but with unknown characteristics
  - Note it in report
  - Assume characteristics are same as known victim
- If alternate characteristics plausible, or if unsure, report total score multiple ways

**Item 8: Any Unrelated Victim**

- Spouses (common-law or legally married) related after two years
- New TABLES replace the old “list”
Any Unrelated Victims

- Offenders normally unrelated in the tables can count as related if they lived with the offender as family for 2 years before sexual abuse started.
- If victim is related but offender sexually offended within 24 hours of meeting that relative for the first time, count as unrelated.

Item 9: Any Stranger Victim

- If they go to school together.
- Never interacted: strangers.
- Said "hello" once: not strangers.
- Caveat to online rule: If have chatted more than 24 hours, but offender used totally false identity and offended within 24 hours of first in-person meeting, count as stranger.
- Requires victim's essentially meeting a stranger compared to online identity.
- Do not count mild misrepresentations online.

Mandatory Sign-Off Statement on Coding Form

There [was, was not] sufficient information available to complete the Static-99R score following the coding manual (2016 version). I believe that this score [fairly represents, does not fairly represent] the risk presented by Mr. XXXX at this time. Comments/Explanation: ___________________________ _________________________ _____________

(Evaluator name)   (Evaluator signature)   (Date)

STATIC-99R Total Score

- The STATIC-99R total score is the sum of the 10 items.
- Scores range from -3 to 12.
- Routine correctional samples: Median value = 2.
- Interpretive ranges (estimated percentages for routine Canadian sexual offenders):
  - -3 to -2: Level I (Very low risk) (5%)
  - -1 to 0: Level II (Below average risk) (16%)
  - 1 to 3: Level III (Average risk) (49%)
  - 4 to 5: Level IVa (Above average risk) (21%)
  - 6+: Level IVb (Well above average risk) (8%)
Risk Categories That Work

- Describes people (not risk scales)
  - Characteristics of the offender (psychologically meaningful)
- Tell us what to do
  - Linked to realistic options for action
- Evidence-based, scientifically credible
  - Universal – applicable to all risk scales
- Simple
  - Common Professional Language
- Easy to implement
  - Can be done across jurisdictions/scales/offenders

Meaningful (perceptible) differences between categories

- Profile
  - Needs: Criminogenic & Non-criminogenic
  - Personal and social resources
  - Life problems
- Correctional Strategies & Responses
  - Human Services
  - Supervision
  - Custody
- Outcomes
  - Base Rate of re-offending
  - Expected outcomes with appropriate services
  - Life course adjustment

Council of State Government Justice Center
Standardized Risk Levels

Level I
- Descriptive Summary:
  - Needs: None or transitory
  - Resources: Clear personal and social resources
  - Recidivism Base Rate: Same as non-offender community at large (e.g., <5%)
  - Sex offenders: Similar to non-sex offenders committing a sex offense (< 2%)
- Correctional Strategies:
  - Human services: Largely unnecessary
  - Community Supervision: Minimal (not necessary for compliance)
  - Custody: Counterproductive
- Outcomes:
  - Short-term: No change in probability of re-offending

Level II
- Descriptive Summary:
  - Needs: Few, if any, more acute than chronic.
  - Resources: Clear personal and social resources
  - Recidivism Base Rate: Higher than Level I but lower than typical offender
- Correctional Strategies:
  - Human services: Brief interventions
  - Community Supervision: Simple case management
  - Custody: May be productive for crisis management but unnecessary long-term
- Outcomes:
  - Short-term: Probability of re-offending reduces quickly to non-offender levels [Level I]
**Level III**

- **Descriptive Summary:**
  - **Needs:** Typical for offenders; some severe or multiple less chronic
  - **Resources:** Some, sporadic use
  - **Reoffending Base Rate:** Average base rate

- **Correctional Strategies:**
  - **Human services:** Structured services target criminogenic needs over months (e.g. ~ 100-200 hours of service)
  - **Community Supervision:** Change-focused supervision
  - **Custody:** May support short-term risk management

- **Outcomes**
  - Short-term: Risk can significantly ↓ with intervention BUT still higher than community at large (Level II)

**Level IV**

- **Descriptive Summary:**
  - **Needs:** Multiple, moderate to severe, more chronic.
  - **Resources:** Few, sporadic prosocial use
  - **Reoffending Base Rate:** Higher than “typical” offender

- **Correctional Strategies:**
  - **Human services:** Structured, comprehensive services with community follow-ups and supports (e.g. ~ 300+ hours)
  - **Community Supervision:** Intensive and change-focused
  - **Custody:** May be productive for short-term risk management and beginning treatment

- **Outcomes**
  - Short-term: Risk can ↓ with appropriate strategies BUT still “average” for offender population at large.

**Level V**

- **Descriptive Summary:**
  - **Needs:** Multiple, chronic, severe, and entrenched
  - **Resources:** Few; use for procriminal pursuits
  - **Reoffending Base Rate:** 85% (Top 5% of offenders)

- **Correctional Strategies:**
  - **Human services:** Structured, comprehensive (e.g. ~ 300+ hours)
  - **Community Supervision:** Long-term supervision with risk management focus and gradual change to change focus
  - **Custody:** Incapacitation for community safety

- **Outcomes**
  - Short-term: Risk still significantly higher than average even with appropriate long-term correctional strategies

**New STATIC risk categories**

- **Static-99R had 4 categories:**
  - Low, Low-Moderate, Moderate-High, High

- **Static-2002R had 5:**
  - Low, Low-Moderate, Moderate, Moderate-High, High

- **Standardize STATIC categories**

<table>
<thead>
<tr>
<th>Name</th>
<th>Static-99R</th>
<th>Static-2002R</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Scores</td>
<td>Midpoint percentile</td>
</tr>
<tr>
<td>Very Low Risk</td>
<td>-3, -2</td>
<td>2.8</td>
</tr>
<tr>
<td>Below Average</td>
<td>-1, 0</td>
<td>14.8</td>
</tr>
<tr>
<td>Average Risk</td>
<td>1, 2, 3</td>
<td>49.1</td>
</tr>
<tr>
<td>Above Average</td>
<td>4, 5</td>
<td>83.4</td>
</tr>
<tr>
<td>Well Above Average</td>
<td>6 or more</td>
<td>96.2</td>
</tr>
</tbody>
</table>

**Comparison of Original and Revised STATIC categories**

Original Category Agreement: 51% (squares)
Revised Category Agreement: 72% (shaded area)
Presenting STATIC-99R Scores

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

Presenting STATIC-99R Scores

- Suggestions for inclusion in reports
  - Background/origin of scale
  - Description of normative data
  - Results for offender (score and risk category)
  - Results for relative risk (percentile and risk ratio)
  - Recidivism estimates, with some comment on caveats from the research

Evaluator Workbook (www.static99.org)

- Current version: October 2016
  - Percentiles
  - Risk ratios
  - Estimated recidivism rates
  - Lists and descriptions of samples included in normative data, with brief explanation of how norms calculated
  - Options for reporting various information in reports
    - More detailed and less detailed options

Reporting Absolute Recidivism Estimates

- Our research has demonstrated that this is tricky
- As we added more data to the norms and sought feedback, we have refined our recommendations
- Be thoughtful about whether absolute recidivism information is necessary for risk communication in your context

Years offence-free in the community (Hanson, Harris, Helmus, & Thornton, 2014)

- If offenders are able to remain in the community without another sex offence, their chances of sexual recidivism decreases substantially
- Roughly, for each five years offence-free, their risk of recidivism cuts in half. So Static-99R is valid but time-dependent indicator of risk.
**Normative Group 1: Routine Correctional Samples**

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

**Normative Group 2: Preselected High Risk/Needs**

- Samples where a small minority of offenders selected based on risk/need factors external to Static-99R
- Selected for sanctions/measures reserved for the highest risk cases
- These samples likely have higher density of criminogenic (i.e., dynamic) needs

---

**Static-99R 5 year Sexual Recidivism (%)**

<table>
<thead>
<tr>
<th>Static-99R Score</th>
<th>Routine</th>
<th>High Risk/Need</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>5</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>6</td>
<td>60</td>
<td>60</td>
</tr>
</tbody>
</table>

---

**5-Year Sexual Recidivism Static-99R and SRA-FV Needs**

<table>
<thead>
<tr>
<th>Score Level</th>
<th>Low Need</th>
<th>Moderate</th>
<th>High Need</th>
</tr>
</thead>
<tbody>
<tr>
<td>S99R=1</td>
<td>5</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>S99R=5</td>
<td>15</td>
<td>25</td>
<td>35</td>
</tr>
<tr>
<td>S99R=7</td>
<td>25</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

---

**Reporting Recidivism Estimates**

- Overview of options
- Pros/cons
- Our current recommendations

---

**Option 1: Combine all samples together**

- Variability in recidivism rates per score suggests this is misleading
  - Will systematically bias estimates upwards based on proportion of high risk/needs samples conveniently available
  - We recommend against this
Option 2: Use routine/complete only

- **Pros**
  - Avoids judgements in selecting sample type
  - Closest to a true population of convicted sex offenders
  - Most plausible estimates for most cases

- **Cons**
  - We know that for some low/moderate risk cases, this will underestimate their risk
  - Still unexplained significant variability in routine recidivism rates
  - Not fully avoiding judgement: still making contestable decision about appropriateness of norms

Option 3: Report Both

- **Pros**
  - Avoids subjectivity of selecting reference groups
  - Acknowledges the variability

- **Cons**
  - Particularly if the difference crosses an important threshold, will still require some decision of which estimate is most appropriate

General limitations

- Two sample types is artificial dichotomization of underlying continuous construct
- Identifies groups riskier than routine, but not less risky than routine
- Better to directly assess external risk factors

Option 4: Measure external risk factors

- **Pros**
  - Directly assesses what sample type is indirectly inferring
  - Variability should be lower than Static alone

- **Cons**
  - Combined scales need greater replication
    - Variability in recidivism estimates needs to be established (min. 10 studies, ideally 30+)

Option 5: Local Norms

- **Pros**
  - Accounts for unique features of jurisdiction

- **Cons**
  - Hard to produce with confidence
  - Use ONLY if they have greater scientific credibility than our estimates
  - We recommend a bare minimum of 100 recidivists (Vergouwe et al., 2005)
Option 6: Report Relative Risk

- Absolute recidivism rates unstable
- Do you really need them?

See Harris, Lowenkamp, & Hilton (2015) for examples of relative-based risk communication guidance.

Recommendations

- If Static-99R/2002R used as stand-alone measure, we generally recommend just reporting routine/complete norms
- Acknowledge that rates may be higher or lower based on external risk factors
- Remember that routine/complete includes offenders preselected and with exceptionally high external risk factors

Recommendations

- We don’t yet have data that evaluators can improve accuracy by choosing between reference groups
- High risk/need CAN be used, but requires a STRONG, case-specific justification
- Density of external risk factors previously identified as adding incrementally to static risk scales

Were do I get the latest updates?

- Email your trainer
- Email me
- Visit www.static99.org