

Running head: RISK ASSESSMENT PRACTICES

Risk Assessment of Sex and Kidnapping Offenders:
A Review of Practices and Training Needs in Washington State

Amelie Pedneault, PhD
Washington State University

06/30/2016

Contents

Introduction and aims of the study	3
Data and methods	4
Results	5
Risk assignment process	5
Materials and tools considered	5
Factors considered when deviating from ESRC recommendation	8
Appeal process	9
Obstacles to timely assessments	10
Training needs	10
Conclusion	13

Introduction and Aims of the Study

In Washington State, sexual and kidnapping offenders who return to the community after a conviction or at the end of their incarceration must register with their local law enforcement agency. The agency is then required to assign a level of risk to each offender based on a system in which Level 1 represents a low level of sexual risk for the community, Level 2 poses a moderate risk, and Level 3 a high risk. The process by which an agency assigns a risk level to an offender is not regulated by the legislature, meaning each agency has the discretion to generate its own procedure. In order to gain insight into the processes followed in agencies throughout Washington State, an online survey of law enforcement agencies was conducted.

The present study has two aims:

1. Review and summarize the risk assignment procedures with which law enforcement agencies throughout Washington State assign a level of risk to sexual offenders.

Specifically, the following aspects of the risk assignment process are reviewed:

- Tools and materials considered;
 - Appeal process;
 - Obstacles to timely risk assignments;
 - Specific procedure applicable when assigning a risk level to juvenile offenders.
2. Review and summarize training opportunities that are pertinent to assignment of risk for sexual offenders. The following two aspects of risk assignment training are reviewed:
 - Current opportunities to participate in training activities;
 - Training needs.

Data and Methods

A survey comprising 23 items about risk assignment and training was conducted online from May 12 to June 3, 2016. The survey was anonymous and was administered using Qualtrics, an online data collection tool. An email requesting participation in the survey was sent to a list of 275 addresses provided by the Washington Association of Sheriffs and Police Chiefs. Attached to each email was a cover letter signed by Thea Mounts, director of the Washington State Statistical Analysis Center, and a link to the Qualtrics survey. Email reminders to participate in the survey were sent weekly for the duration of the data collection period.

Ninety-three individuals responded to the survey (a response rate of 33.8%). However, there were some indications that the list of addresses did not distinctively target individuals who were specifically responsible for assigning a risk level to sexual offenders in agencies across the state. Notably, we received 12 emails letting us know that no one from a particular agency would fill out the survey because that agency did not assign risk levels to sexual offenders. It is possible that there were more agencies in the same situation that did not reply. Some respondents who did fill out the survey reported that their agencies completed zero risk assessments per year and included comments expressing that their agencies did not participate in risk level assignment. The results presented hereafter are based only on the answers provided by the 60 participants who clearly engaged in assignment of risk level to sexual offenders. Considering those limitations, the results obtained are not generalizable to the entire population, but they can shed some light on the variety of practices used to assign risk level to sexual offenders by local agencies.

Results indicated that about half of the respondents (51.1%) were in agencies that served a population of 50,000 or less and that 61.7% of respondents completed 10 assessments or fewer

on average every year (see Table 1 for more complete information). Because the survey was anonymous, those were the only two variables that were collected about the respondents' characteristics.

Table 1

Descriptive Characteristics of Respondents

	% of respondents
<i>Population served by agency</i>	
0 -50,000	51.1
50,001-100,000	31.9
100,001-250,000	10.6
250,001-500,000	2.1
500,001 +	4.3
<i>Average number of assessments completed yearly</i>	
1-5	34.0
6-10	27.7
11-15	10.6
16-20	6.4
More 20	21.3

Results

Risk Assignment Process

Materials and tools considered. The first part of the questionnaire asked respondents about the process their agency used to assign a risk level to sexual and kidnapping offenders living within their jurisdiction.

One of the survey's principle questions investigated the nature of the factors an agency reviewed when determining the risk level posed by a sexual offender. Table 2 summarizes the frequency of consideration of specific factors for both unrated and previously classified

offenders. Results indicated that four factors were considered by a majority of respondents for assigning a risk level for both the unrated and previously classified offenders: Static-99R (85.7% of respondents for unrated and 82.9% for previously classified), circumstances of sexual offenses (94.9% and 97.1%), ESRC (End of Sentence Review Committee) release packet (82.5% and 88.2%), and ESRC recommendation (77.5% and 80.0%).

Table 2

Factors Considered for Risk Assessment of Offenders

	% of respondents - unrated offender	% of respondents - previously classified offenders
<i>Factors - All offenders</i>		
Static-99R	85.7	82.9
ESRC recommendation	77.5	80.0
Circumstances of offense	94.9	97.1
ESRC release packet	82.5	88.2
Internal committee meeting	64.9	59.4
Written justification if departure	66.7	69.7
Checklist for aggravating or mitigating	68.4	59.4
<i>Factors specific to previously classified offenders</i>		
Previous ESRC recommendation		73.5
Circumstances of all sexual offenses (including prior)		97.1

With regard to risk assessment specifically of adult offenders, results indicated that the four materials and tools that were used by a majority of respondents were the Static-99R

(72.3%), sentencing reports (63.8%), summary of facts (59.6%), and mental health reports (57.4%) (see Table 3 for more details).

Table 3

Materials and Tools Used to Assess the Risk of Adult Offenders

	% of respondents
Static-99R	72.3
WSSORLC	38.3
Victim statement	29.8
Summary of facts	59.6
Sentencing reports	63.8
Mental health reports	57.4
Plethysmograph or polygraph	23.4
MnSOST-R	14.9
Static-2002R	4.3
Stable-2007 / Acute-2007	0.0
Other	19.1

Table 4 describes the types of materials considered by respondents with regard to risk assessment specifically of juvenile offenders. Results indicated that only three types of materials were considered by more than half of the respondents in risk assessment of juveniles: sentencing reports (61.7%), summary of facts (59.6%), and mental health reports (53.2%). The WSSORLC (Washington State Sex Offender Risk Level Classification) was used by 46.8% of the respondents and was the only risk assessment tool that was used often by the sample.

Table 4

Materials and Tools Used to Assess the Risk of Juvenile Offenders

	% of respondents
Static-99R	36.2
WSSORLC	46.8
Victim statement	34.0
Summary of facts	59.6
Sentencing reports	61.7
Mental health reports	53.2
Plethysmograph or polygraph	25.5
JRAS	27.7
J-SOAP-II	17.0
J-SORRAT-II	12.8
Other	14.9

Factors considered when deviating from ESRC recommendation. More than half of the respondents (55.3%) reported that they considered factors other than the Static-99R when deciding to deviate from the ESRC's level recommendation. Table 5 presents the frequency of these factors. No factor was considered across a majority of respondents, but many factors were considered by a portion of them: 38.3% considered previous sexual offense(s), 31.9% considered age of victim(s), 29.8% considered number of victim(s), 27.7% considered injury to victim(s), 25.5% considered extrafamilial victim(s), 25.5% considered previous failure to register, and 23.4% considered participation in treatment.

Table 5

Frequency of Factors Considered When Deviating From ESRC Recommendation

	% of respondents
Age of victim(s)	31.9
Number of victim(s)	29.8
Extrafamilial victim(s)	25.5
Injury to victim(s)	27.7
Location of sexual offense(s)	17.0
Previous failure to register	25.5
Previous sexual offense(s)	38.3
Participation in sex offender treatment	23.4
Plethysmograph evaluation	4.3
Polygraph evaluation	17.0
Other	8.5

An analysis of the qualitative answers of respondents who chose “other” reveal that this response option mostly captured additional information provided by community corrections and law enforcement, specifically regarding behavioral patterns and compliance with conditions. One respondent also mentioned considering the physical health of the offender, suggesting that some health conditions incapacitate offenders and should be acknowledged in the evaluation of their risk for sexual re-offense.

Appeal process. Twenty-eight percent of the respondents indicated that a process was in place for an offender to appeal an initial risk assessment classification. Qualitative analysis of the various descriptions of this process indicated that, in most cases, an offender must make a request for reclassification and personally write a letter of justification for the request. In all cases, this appeal request is reviewed, but the identity of the reviewing body varies. One respondent indicated that the review is first evaluated by a sex crime detective who then reports

to the undersheriff for final determination, while another respondent indicated that the rater must review his previous assignment of risk and meet with the offender. In most cases, the decision is made by a committee. Some respondents only referred to the “committee” or “board” to explain the appeal process, while others mentioned specifically a “committee comprising the representatives from several local agencies” or a “sex offender leveling committee.”

Obstacles to timely assessments. Respondents also identified some obstacles to conducting timely risk assessment of sexual and kidnapping offenders, outlined in Table 6. Results indicated that the most important obstacle was access to out-of-state records (identified by 70.2% of respondents), followed by a heavy work load (identified by 46.8% of respondents). Qualitative analysis of the responses indicated that the most common issue was getting access to *complete* files, especially when multiple agencies were involved or when an offender had lived in another state or was in the military. Respondents also reported dealing with missing information because of a lack of records or because some records had been purged.

Table 6

Frequency of Obstacles to Timely Assessments

	% of respondents
Work load	46.8
Scoring Static-99R	2.1
Access to records	70.2

Training Needs

The second part of the survey investigated current training opportunities offered to respondents and training needs. The only training that was identified as available for a majority of respondents (70.2%) was for the Static-99R, while a little less than a third (29.8%) reported awareness of training opportunities for the WSSORLC. (See table 7 for details about each tool.)

Training for other types of risk assessment for adult offenders was generally low (0 to 8%).

Similar low levels of awareness were observed for juvenile tools, although training for the JRAS (Juvenile Risk Assessment Scale) was higher (21.3%).

Table 7

Frequency of Training Opportunities Among Respondents

Training available	% of respondents
Static-99R	70.2
WSSORLC	29.8
JRAS	21.3
J-SOAP-II	8.5
J-SORRAT-II	4.3
MnSOST-R	8.5
Stable 2007 / Acute 2007	2.1
Static-2002R	0

Results indicated that 74.4% of respondents had attended a Static-99R training session in the past. Among those who had, 20.7% had attended one within the last year, 34.5% had in the last 1-2 years, and 41.4% had done so more than 2 years ago. In comparison, only a quarter (25.6%) of respondents indicated that they had attended training for the WSSORLC. For those who had, 10% did so within the last year, 50% sometime between 1-2 years ago, and 40% more than 2 years ago.

Only 2.6% of respondents indicated that they considered their training for risk assessment of sex and kidnapping offenders to be sufficient. In comparison, 15.4% considered their training to be insufficient, while 74.4% indicated that their training was sufficient but that they would benefit from yearly boosters. An analysis of the qualitative responses indicated that issues with time, resources, or knowledge transfer were barriers to official training for some respondents

who participated in assigning a risk level to sexual and kidnapping offenders. One respondent also mentioned the inappropriateness of the training offered in Washington State for agencies operating on Native American tribal land, considering that they have to comply with SORNA (Sex Offender Registration and Notification Act) which sets forth different criteria than Washington State.

Respondents also had to rate their interest in participating in various training activities, presented in Figure 1. Two particular types of training received wide support among respondents: ongoing training and automated scoring forms. Almost 95% of all respondents indicated some interest in participating in ongoing training about risk assessment of sexual and kidnapping offenders (55.5% were very interested and 39.5% were somewhat interested). In addition, almost 80% of respondents were interested in using automated scoring forms (42.9% reported being very interested and 42.9% were somewhat interested). The two measures that generated the least interest from respondents were blind scoring and electronic coding. Almost half (48.4%) of all respondents reported no interest in participating in blind scoring and 44.1% did so for electronic coding. Blind scoring refers to the scoring of an offender by two evaluators independently, while electronic coding implies scoring an offender with the aid of a computer or over the internet. The only pertinent qualitative comment regarding training was from one respondent who felt strongly that training should be done in person, and not using webinars.

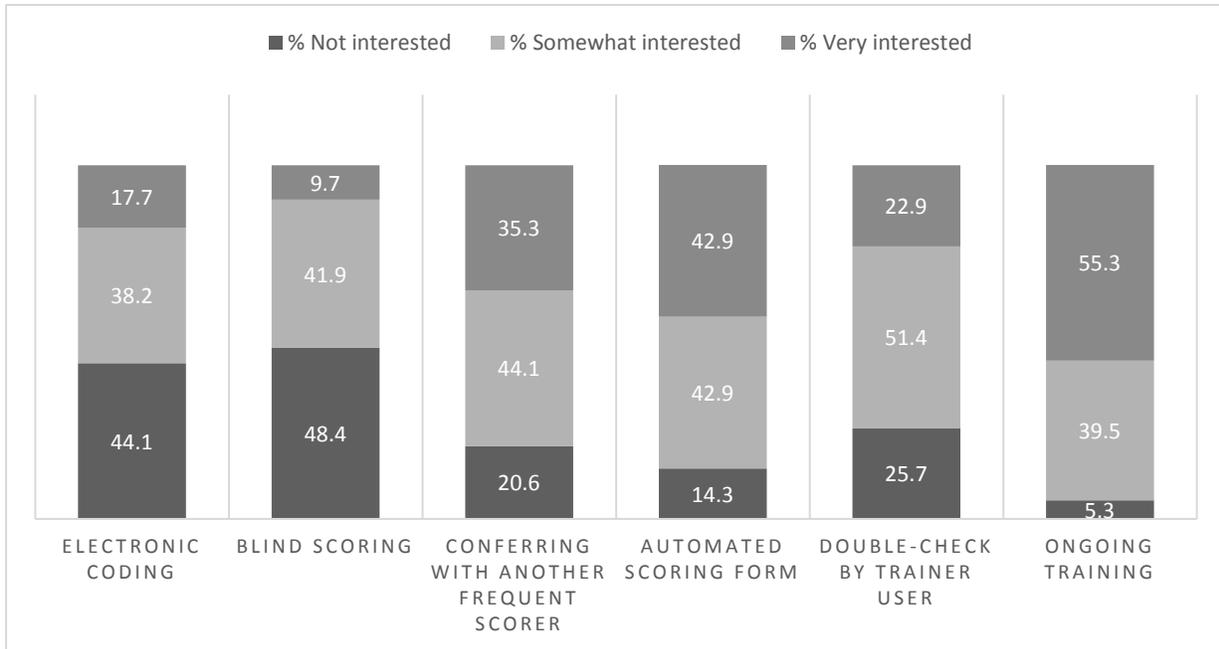


Figure 1. Interest levels in various training activities.

Conclusion

A variety of agencies in Washington State are tasked with assigning a risk level to sex and kidnapping offenders when they return to the community. The process by which risk levels are assigned to offender is not mandated legislatively, leaving each agency with the discretion to develop its own procedure. To better understand the processes followed in agencies throughout Washington State, an online survey of law enforcement agencies was conducted during Spring 2016. The picture that emerged from the survey’s results is that there are areas of practice that are common across agencies while others are quite varied.

Common practices were observed in the factors, materials, and tools considered as part of the procedures followed by law enforcement agencies. Results indicated that four items were systematically considered by a majority of respondents in rating unrated or previously classified offenders: circumstances of sexual offense(s), Static-99R, ESRC release packet, and ESRC recommendation. For risk assessment of adult offenders specifically, three types of materials

(sentencing reports, summary of facts, and mental health reports) and one risk assessment tool (Static-99R) were used by a majority of respondents. In comparison, only three types of materials were used by a majority of respondents when assessing the risk posed by juvenile offenders (sentencing reports, summary of facts, and mental health reports), but no risk assessment tool was used by a majority (although the WSSORLC was used by 45% of the respondents).

Divergent practices were observed in leveling decisions that departed from ESRC recommendation. Some agencies did not use criteria outside of the Static-99R when deviating from the risk level recommended by the ESRC, but a majority of respondents did. Moreover, there was substantial diversity in the nature of factors considered, and no factor was considered by more than a third of all respondents. This can possibly lead to inconsistencies in risk assignment across agencies. Developing an administrative checklist of aggravating and mitigating factors that have been empirically validated could help standardize leveling practices across agencies.

Some differences were also noted regarding appeals of a risk assignment level. Most respondents (70%) indicated that there was no formal appeal procedure in their agencies. However, when such a practice was in place, procedures commonly involved the review of an offender's written request by a committee.

Commonalities in training opportunities and needs were also noted. Respondents reported that training for the Static-99R was the most available form of training. Less than 30 percent of them reported knowing of training opportunities for any other risk assessment tool, including the WSSORLC, which presents a problem for coding consistency because 45 percent of respondents used the WSSORLC to assess the risk posed by juvenile offenders. A large proportion of

respondents (40%) who had WSSORLC training had it more than two years ago. It is likely that assessors would benefit from additional WSSORLC training and refreshers, considering its frequent use. Generally, a large proportion (almost 90%) of respondents indicated that they would benefit from more training about risk assessment of sex and kidnapping offenders, indicating that more training opportunities should be offered. Respondents were specifically interested in ongoing training and automated scoring forms to improve their risk assessment skills.

References for Risk Assessment Tools cited in text

Juvenile Risk Assessment Scale (JRAS)

Hiscox, S. P., Witt, P. H., & Haran, S. J., (2007). Juvenile risk assessment scale (JRAS): A predictive validity study. *Journal of Psychiatry & Law*, 35(4), 503-539.

Juvenile Sex Offender Assessment Protocol (JSOAP-II)

Prentky, R. A. & Righthand, S. (2003). *Juvenile Sex Offender Assessment Protocol II Manual*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Juvenile Sex Offense Recidivism Risk Assessment Toll (J-SORRAT-II)

Epperson, D. L., Ralston, C. A., Fowers, D., DeWitt, J., & Gore, K. A. (2006). Actuarial risk assessment with juveniles who offend sexually: Development of the Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II). In D. Prescott (ed.), *Risk assessment of youth who have sexually abused: Theory, controversy, and emerging strategy* (pp. 118-169). Oklahoma city, OK: Wood & Barnes.

Minnesota Sex Offender Screening Tool Revised (MnSOST-R)

Epperson, D. L., Kaul, J. D., Huot, S. J., Hesselton, D., Alexander, W., & Goldman, R. (2000). *Minnesota Sex Offender Screening Tool – Revised*. St-Paul, MN: Minnesota Department of Corrections.

Stable-2007 / Acute-2007

Hanson, R. K., Harris, A. J.R., Scott, T.-L., & Helmus, L. (2007). *Assessing the risk of sexual offenders on community supervision: The dynamic supervision project*. Ottawa, ON: Public Safety Canada.

Static-99R

Harris, A., Phenix, A., Hanson, R. K., & Thornton, D. (2003). *Static-99 coding rules: Revised 2003*. Ottawa, ON: Department of the Solicitor General of Canada.

Static-2002R

Phenix, A., Doren, D., Helmus, L., Hanson, R. K., & Thornton, D. (2009) *Coding rules for Static-2002*. Ottawa, ON: Public Safety Canada.

Washington State Sex Offender Risk Level Classification (WSSORL)

State of Washington Department of Corrections (1999). *Washington State Sex Offender Risk Level Classification*. Olympia, WA: Author.