Living with Children Evaluations

ASSESSING WHETHER ADULTS WITH SEXUAL-OFFENSE HISTORIES CAN SAFELY LIVE WITH CHILDREN

About me

- 2012 - Doctorate in clinical psychology with forensic minor
- 2012 to 2022 - Special Treatment Unit(STU)
  - Civil commitment facility for sexually violent predators (SVP)
- 2022 to 2024 – Ann Klein Forensic Center
  - Competency Evaluation team
- 2015 to present – private practice
  - Forensic evaluations and testimony. Authored articles, trainings, and book chapters related to sexual risk

DISCLAIMER

► I discuss the use of various risk assessment instruments.

► This is <u>not</u> a training in using these instruments.

► After today, you <u>will not</u> be qualified to use them without formal training.

The Referral: New Jersey

▶ State and Source dependent.

▶ How LWC referrals come can vary widely.

▶ No definitive info on other states, but looks less regulated than NJ.

▶ How and who gets to you matters.

▶ Removed from the home last week versus living in the community 10 years without an offense.

▶ My perspective is based on NJ regulations and my referral pipeline.

▶ Most of the methodology is the same regardless of jurisdiction.

▶ However, there many be differences that I am not aware of that could effect how LWC evals are done.

The Referral

▶ Individuals who committed a sexual offense (ICSO) and were sentenced to CSL/PSL are referred for living with children (LWC) evaluations by NJ parole for several reasons:

  ▶ Being released from prison to a home with a child.

  ▶ Living with a partner who recently became pregnant.

  ▶ ICSO seeks parenting time.

  ▶ ICSO seeks reunification with the child.

The referral

From prison to home with child	Living with the newly pregnant	ICSO seeks parenting time	ICSO seeks reunification with the child
• Unlikely • Parole would not take the risk.	• When an ICSO's partner becomes pregnant, regardless of offense dynamic.	• Offense free for many years and wants unsupervised contact with their child.	• Offense free for many years and wants to live with a child, possibly their victim.

The Legal Systems Rationale

Rationale: any type of sexual offense increases ICSO's risk against any type of victim, regardless of when it occurred.

- This is the safest decision, CYA.
  - Leads to evaluations in questionable situations.
  - Ex. ICSO with elderly female victim wants to remain residing with unborn son.

- Better to consider:
  - Type of offense committed.
  - How/if offending dynamics increase risk for reoffense against a child.

Current New Jersey legal standards:

– 10A:72–2.5 Residing with a minor child

- 10A:72-2.6 - Unsupervised contact with a minor child

Highlights:

If on community supervision for life (CSL) or parole supervision for life (PSL), one cannot live with a minor unless:

Acknowledgment by the parent or legal guardian that they are familiar with the circumstances of the sexual offense.

Written assessment from a "sex offender treatment provider" providing…

1. A statement about the risk posed by the offender to the minor child;

2. A statement as to whether or not the offender residing with (10A:72–2.5) or initiate[ing], establish[ing], or maintain[ing] unsupervised contact with(10A:72-2.6) the minor child is conducive to the offender's relapse prevention plan;

3. A statement as to the appropriateness of informing the minor child of the circumstances of the sexual offense committed by the offender; and

4. A recommendation as to the appropriateness of the offender residing with the minor child.

🤔

As the evaluator, do you have any concerns about these requirements?

Concerns

#1. What risk is posed by the offender to the minor child?

➤ There is no research standardizing LWC evaluations.

    ➤ Systematic search of Sexual Abuse, Medline Complete, PsycARTICLES, PsycINFO, and SocINDEX using the following keywords: "living with children evaluation," "LWC evaluation," "residing with a minor child, and "parole evaluation." The search returned zero results.

    ➤ Like the title, "psychosexual evaluation," "LWC evaluation" gives the appearance of a calibrated scientific procedure.

    ➤ It's closer to "deals choice."

➤ With everyone doing whatever they want, how can we know which method is accurate?

Concerns

#1. What risk is posed by the offender to the minor child? (continued)

▶ Standard sexual offense risk assessment <u>does not</u>:

  ▶ Apply to a specific child, but to a population of possible victims.

  ▶ Consider the traits or vulnerabilities of the child in question.

  ▶ Consider the traits or vulnerabilities of the nonoffending parent of the child.

    ▶ Responsible for child's safety.

▶ No access to evaluate the child in question.

▶ No access to the parent to evaluate.

  ▶ Only cursory collateral contact.

Concerns

#2. Is residing with or having unsupervised contact with the minor child conducive to the offender's relapse prevention plan?

- ▶ Haven't met a guy yet coming out of prison or community treatment with an actual RP plan.
- ▶ RP plans primarily focus on avoidance and risk management.
  - ▶ Living with a child is inherently an unnecessary risk for someone who offended against a minor.
- ▶ While likely conducive to a Good Lives Plan (e.g., relatedness), GLM is not widely known or implemented.
- ▶ If answered strictly, this question sets an unnecessarily high bar.

Concerns

#3. Is it appropriate to inform the minor child of the circumstances of the sexual offense committed by the offender?

▶ How can you provide an opinion about the child without evaluating the child?

  ▶ You are hired to evaluate the ICSO, not the child.

▶ Even if you could have access to the child to evaluate (unlikely), you need expertise in child psychology.

▶ Even if you did evaluate the child, no standards are set regarding this question.

  ▶ Would need to pull from other areas of psychology.

The evaluator's problem

- ▶ Making these concerns known will do nothing.

- ▶ This is the law. It won't change because we want it to.

- ▶ If you refuse to answer these questions, which is legitimate, the parole officer or ICSO will just go to someone else who will answer these questions.

- ▶ Private practice is a business, and you want repeat customers.

<u>How do we proceed?</u>

Sex Offense Risk Assessment:
The Basics

Before doing an LWC evaluation, must know 'standard" sex offense risk assessment.

Unstructured vs. structured professional judgment

▶ Unstructured :

  ▶ Most common form of risk assessment for many years.

  ▶ Intuit risk of sexual or nonsexual reoffending.

  ▶ The problem: Numerous studies show poor predictive accuracy.

(Hanson & Morton-Bourgon, 2009)

Unstructured vs. structured professional judgment

- Structured professional judgment:
    - Empirically established set of risk factors (retrospective vs. prospective).
    - Anchors decision making = less biased process.
    - Stay within structured assessment unless good reason.
    - When used, we do a much better job at accurately predicting risk.

Step 1

Perform a "standard" sexual offense risk assessment

Before we can give an opinion about a specific child, we must know the ICSO's risk in general.

Brief overview of best practices in general risk assessment:

► Use multiple sources of information to consider the following:

  ► **Likelihood** of this behavior happening again?

  ► **Severity** of impact on future victim (sexual murder vs. voyeurism)?

  ► In what **contexts** is it likely to occur (intrafamilial vs. stranger victims)?

  ► What could increase or decrease chance of this happening again? Why did it happen**?**

(Heilbrun, 2009)

Step 1(continued)

Brief overview of best practices in <u>sex offense</u> risk assessment:

▶ Sexual deviance and antisociality are the strongest predictors of risk.

▶ Structured review of risk factors is critical:

  ▶ Structured professional judgment (SPJ) tools (e.g., SVR-20, RSVP)

  ▶ Actuarial (static) risk assessment tools (e.g., Static-99R, Matrix 2000, and SORAG)

  ▶ Dynamic risk assessment tools (e.g., STABLE/ACUTE-2007, and SRA-FV)

  ▶ Static/dynamic/change tools (e.g., VRS-SO)

(Hanson & Morton-Bourgon, 2005)

Structured professional Judgment (SPJ) approach

- ▶ SPJ items are found in greater proportion in ICSO's than non-ICSO's (retrospective analysis).
  - ▶ The more they have, the riskier they are, maybe.
- ▶ Scored qualitatively, such as present, possibly present, and not present; no numerical scores.
- ▶ Evaluator intuitively assigns a risk level based on case formulation rather than a score tabulation.

SPJ Approach

- Underlying assumptions:
  - Actuarial assessment is overly reductionistic.
  - Human behavior cannot be reliably statistically predicted.
  - Any one risk factor can make someone a high or low risk.
    - Ex. Someone with no risk factors for suicide saying I'm going to go home and kill myself with my gun = high risk.
    - Ex. Someone with a high amount of risk factors being in a coma = low risk.
  - Instead of limiting the value of each risk factor to the numerical scoring constraints of actuarial tools, those who follow the SPJ approach adhere to empirically informed conceptualization of risk in line with slide 8; best practices in risk assessment.

(Boer et al., 2017)

SPJ Tools

- Sexual Violence Risk 20 – V2 (SVR-20 V2)

- Risk of Sexual Violence Protocol (RSVP)

  - Very similar. Measure three broad content domains: psychological adjustment, sexual offending, and future plans.

  - Considered "functionally equivalent or parallel forms" (SVR-20 V2 Manual, p. 16).

  - Validation studies conducted indicate that its predictive accuracy is as good as scales developed using actuarial methods, such as the Static-99R.

(Rettenberger et al., 2009; Rettenberger et al., 2011; Hart & Boer, 2010)

SPJ Tools

However…

► Follow-up studies conducted in a similar manner to that of the HCR – 20 V3—that is, by summing numerical scores—produced similar positive predictive results (Yoon et al., 2016; Turner, et al., 2016, Smid et al., 2014; and Stadtland et al., 2005).

► In validating the SVR-20 V2, instead of using qualitative ratings as the developers recommend, researchers used numerical scores.

► Leeway of conceptualization allows for more bias to influence opinion.

  ► Ex. Carl Rogers and Client Centers therapy.

My preferred method:

STATIC-99R
+
STABLE/ACUTE-2007

Brief overview of the STATIC-99R:
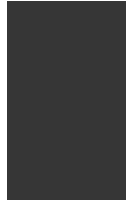
▶ Actuarial risk assessment instrument.

▶ Assesses historical risk factors associated with sexual recidivism.

▶ Combines factors from the two broad areas known to predict future sex offenses: antisocial history and sexual deviance.

▶ Does not address all relevant risk factors for ICSO.
  ▶ Always consider other external factors, such as dynamic or changeable risk factors.

(Helmus & Thornton, 2015; Nitsche et al., 2022; Phenix et al., 2016)

STATIC-99R

- Primarily scored on collateral data.

- Living with a lover and degree of relation to victims may come from self-report, if credible.

- Age is based on the date exposed to risk, not current age (unless still incarcerated)

- Establishes an anchor from which risk can be adjusted by external (dynamic) risk factors

Static-99R – TALLY SHEET

Assessment date: _____   Date of release from index sex offence: _____

Item #	Risk Factor	Codes		Score
1	Age at release from index sex offence	Aged 18 to 34.9		1
		Aged 35 to 39.9		0
		Aged 40 to 59.9		-1
		Aged 60 or older		-3
2	Ever lived with a lover	Ever lived with lover for at least two years?		
		Yes		0
		No		1
3	Index non-sexual violence - Any convictions	No		0
		Yes		1
4	Prior non-sexual violence - Any convictions	No		0
		Yes		1
5	Prior sex offences	Charges	Convictions	
		0	0	0
		1,2	1	1
		3-5	2,3	2
		6+	4+	3
6	Four or more prior sentencing dates (excluding index)	3 or less		0
		4 or more		1
7	Any convictions for non-contact sex offences	No		0
		Yes		1
8	Any unrelated victims	No		0
		Yes		1
9	Any stranger victims	No		0
		Yes		1
10	Any male victims	No		0
		Yes		1
	Total Score	Add up scores from individual risk factors		

	Total	Risk Level
Nominal Risk Levels (2016 version)	-3, -2,	I - Very Low Risk
	-1, 0,	II - Below Average Risk
	1, 2, 3	III - Average Risk
	4, 5	IVa - Above Average Risk
	6 and higher	IVb -Well Above Average Risk

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)

STABLE-2007

▶ Actuarial measure (when combined with STATIC-99R) of stable but changeable (dynamic) risk factors.

▶ The STABLE-2007 assesses change in intermediate-risk status (approximately the year prior), treatment needs, and helps predict recidivism in ICSO.

▶ 13 items scored as 0 (not present), 1 (partially present), or 2 (present).

▶ Produces estimates of the relatively stable (but changeable in the long-term) persona/psychologically meaningful factors.

▶ Validation studies have found the STABLE-2007 predictive of sexual recidivism.

(Brankley et al., 2021; Hanson, 2017)

ACUTE-2007

▶ The ACUTE-2007 was developed to assess change in short-term risk status and help predict recidivism.

▶ Seven items related to immediate issues that effect risk in the short-term. Sampling period is the present. Scored as 0 (not present), 1 (partially present), or 2 (present).

▶ ACUTE-2007 studied less but considered a meaningful part of the risk assessment for "here and now" issues.

STABLE-2007

- ▶ While history provides context, score based on presence/absence within the last year.

- ▶ If incarcerated, best to use VRS-SO.

  - ▶ Highly structured environments suppress socially undesirable behavior.

  - ▶ No access to victims.

  - ▶ No opportunity to develop prosocial social network, relationships, etc.

- ▶ Exceptions: Capacity for Relationship stability based on past and present. Deviant Sexual Preference. Based on # and different types of victims, specialized testing, or self report.

STABLE-2007 – TALLY SHEET

Subject Name: "John Smith" _____

Place of Scoring: _____

Date of Scoring: _____   **Name of Assessor:** _____

Scoring Item	Notes	Section Total
Significant Social Influences		
Capacity for Relationship Stability		
Emotional ID with Children	(Only score this item for child molesters)	
Hostility Toward Women		
General Social Rejection		
Lack of Concern for Others		
Impulsive Acts		
Poor Problem Solving Skills		
Negative Emotionality		
Sex Drive Sex Preoccupation		
Sex as Coping		
Deviant Sexual Preference		
Cooperation with Supervision		

Sum for Final Total _____

(Out of 24 for those without a child victim, i.e., younger than 14 years old)   **26**

Deviant Sexual Interests in Possible Remission

1) Is the offender in an age appropriate, consensual, sexual relationship of at least one year's duration while "at risk" in the community?   Yes/No

2) Is there an absence of behavioural indicators of Deviant Sexual Interest for two years?   Yes/No

If both questions have been answered "Yes" award a "-1" in this box and reduce the total score by one point as long as the Deviant Sexual Interest score is greater than zero.

Note: The "over-ride" has not been validated and does not count in the total score entered above. The adjusted score can be recorded for future empirical validation. However, the original unadjusted score should be reported and should be used when combining the STABLE-2007 score with STATIC-99R, STATIC-2002R or other risk tools.

Revised Total Taking "Deviant Sexual Interests in Possible Remission" Into Account	

Interpretive Ranges: 0 – 3 = Low,   4 – 11 = Moderate,   12+ = High

ACUTE-2007

▶ Includes seven common sense variables related to general offending, four of them related specifically to sexual offending.

▶ Application: tells you how closely to watch ICSO tomorrow and the next day. Does not tell you what his long-term risk or supervision needs are.

ACUTE-2007 – TALLY SHEET

Subject Name: _____

Place of Scoring: _____

Date of Scoring: _____   **Name of Assessor:** _____

Sex/Violence Score (Sum four factors)	Score	General Recidivism Score (Sum all seven factors)	Scoring
• Victim Access		→ → Copy these scores over → →	
• Hostility		→ → Copy these scores over → →	
• Sexual Pre-occupation		→ → Copy these scores over → →	
• Rejection of Supervision		→ → Copy these scores over → →	
		• Emotional Collapse	
		• Collapse of Social Supports	
		• Substance Abuse	
Sex/Violence Total (Sum of four factors)		**General Recidivism Risk Total** (Sum of all seven factors)	

Sex and Violence Risk and General Recidivism Risk			
Sex/Violence Nominal Categories (Sum of four risk factors)		General Recidivism Risk Nominal Categories (Sum of all seven risk factors)	
Low	0	Low	0
Moderate	1	Moderate	1 - 2
High	2+ (plus)	High	3+ (plus)

Assessment Group. 613-407-6097

A Note on Scoring

- Rarely do we get the objective, collateral documentation we want.
- The collateral contacts we have access to are the ones provided by the client.
  - They aren't gonna let us talk to someone who has bad things to say about them.
- A frequent challenge to STABLE/ACUTE scoring is that it's based primarily on self-report when conducted in the community.
  - Self-report is different than info obtained from clinical interview.
  - I include the following:

    Mr. X's scores on STABLE-2007 and ACUTE-2007 are based on the information made available to me at the time of evaluation. In the absence of collateral information to the contrary, self-report is relied on for the purposes of this risk assessment. Should additional objective information come to light, it is possible Mr. X's scores on these instruments could change.

Combining STATIC-99R and STABLE-2007

- STATIC-99R and STABLE-2007 can be combined to provide an overall risk score.

- Use Excel calculator to find combined estimated recidivism rate.

- Combining may adjust the nominal risk category (e.g., very low, below average etc…) obtained from the STATIC-99R

- Takes a great deal of dynamic risk to make low static guys much of a concern

Table 4. Rules for Combining STABLE-2007 with Static-99R

Static-99R Scores	STABLE-2007 Scores																				
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
-3	I	I	I	I	I	I	I	I	II	II	II	II	III	III	III	III	III	III	III	III	III
-2	I	I	I	I	I	I	I	I	II	II	II	II	III	III	III	III	III	III	III	III	III
-1	I	I	II	II	II	II	II	II	II	II	III	III	III	III	IVa	IVa	IVa	IVa	IVa	IVa	IVa
0	I	I	II	II	II	II	II	II	II	II	III	III	III	III	IVa	IVa	IVa	IVa	IVa	IVa	IVa
1	II	II	II	III	III	III	III	III	III	III	III	III	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb
2	II	II	II	III	III	III	III	III	III	III	III	III	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb
3	II	II	II	III	III	III	III	III	III	III	III	III	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb
4	III	III	III	III	III	IVa	IVa	IVa	IVa	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb	IVb	IVb	IVb
5	III	III	III	III	III	IVa	IVa	IVa	IVa	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb	IVb	IVb	IVb
6	III	III	III	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb
7	III	III	III	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb
8	III	III	III	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb
9	III	III	III	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb
10+	III	III	III	IVa	IVa	IVa	IVa	IVa	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb	IVb

A Note on Combined Scores

▶ <u>DO NOT</u> combine scores for people who have been exposed to risk for years.

 ▶ STATIC-99R is anchored to date of risk exposure; the combination will artificially inflate risk.

 ▶ Mechanical combination does not take into account time offense-free.

▶ Instead, score each separately and consider what each means for the overall risk assessment.

 ▶ Ex. If the individual scores low on each instrument, that is a good indication that they are low risk.

 ▶ Ex. If the individual scores high on the STATIC-99R but low on the other two, ICSO presented a high risk when released from prison, but his risk has been managed/reduced over time.

(Hanson & Thornton, 2021)

ICSO's with distant sex offenses?

What do we do with people who offended 5, 10, or 20 years ago?

▶ Must consider time offense free.

▶ One of the most robust findings in our field.

▶ After 10 to 15 years, most reach desistance. Virtually all will have desisted by 20 years.

▶ Even very high-risk offenders (e.g., Static-99R score of 9) can reach less than a 2% risk for sexual recidivism after 18 years if remain in the community without reoffending.

▶ 2% is the rate of spontaneous out-of-the-blue sexual offenses by the general population.

_____

(Kahn et al., 2017; Lee et al., 2023; Thornton et al., 2021)
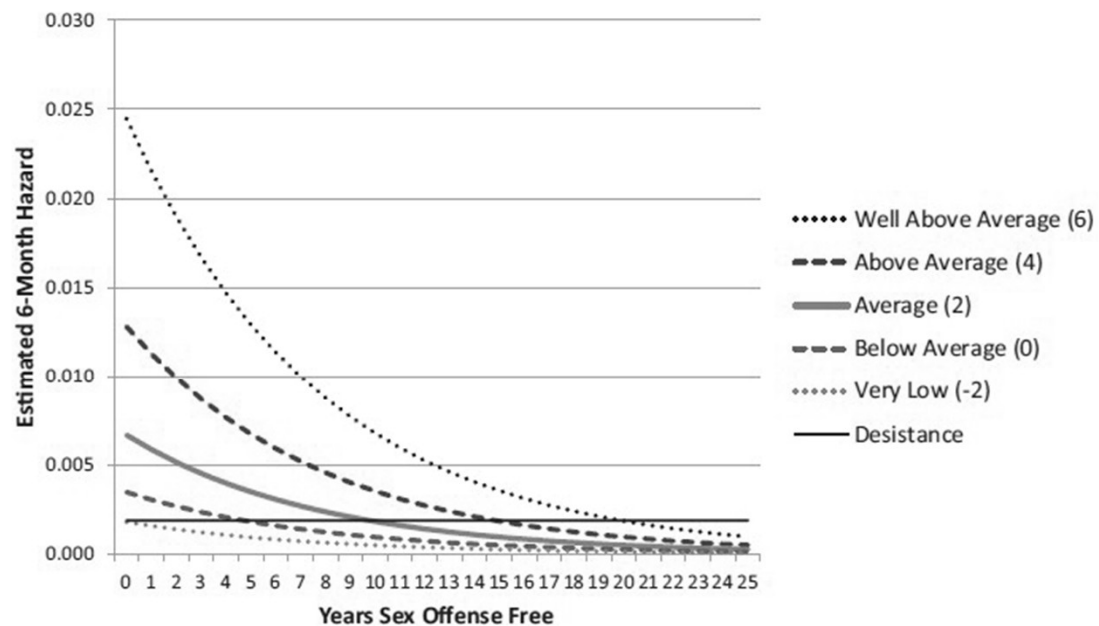
Figure 2. Years to desistance according to initial risk level based on selected Static-99R scores. Estimated hazard rates based on Model 5 (n = 7,225) for routine/complete samples. See the online article for the color version of this figure.

ICSO's with distant sex offenses?

(Hanson et al., 2017)

ICSO's with distant sex offenses?

(Hanson et al., 2017)

ICSO's with distant sex offenses?

► Thornton et al. (2021), developed a formula to calculate the time offense free effect.

► Factor in removals from the community and nonsexual offenses.

  ► While post-index removals from the community and/or nonsexual offending incrementally increased risk of sexual recidivism, it does not erase the effect of this offense-free time.

► Does not account for external factors (dynamic risk),

_____

(Thornton et al., 2021)

ICSO's with distant sex offenses?

1

Score Static-99R and account for time offense-free

2

Score STABLE-2007 for dynamic risk in the last year

3

Score ACUTE-2007 for dynamic risk in the present

ICSO's with online only offenses?

- ▶ Can't score STATIC-99R
- ▶ Score the Child Pornography Offender Risk Tool (CPORT) as the static factors scale.
  - ▶ Newer instrument developed specifically for online offenders.
  - ▶ Although the research base is developing, the CPORT predicted sexual recidivism with moderate to large predictive accuracy, on average.
  - ▶ Same level of predictive accuracy as STATIC-99R.
  - ▶ Score of 3 or below considered "average" online offender. This group is generally a low risk for reoffense.
- ▶ Score STABLE-2007 as the dynamic risk scale.
  - ▶ Not normed on this population, but recent research suggests that it use may be acceptable.
- ▶ Apply broader knowledge of time offense free to the ISCO's situation. Can't do mechanically.

_____

(Brankley et al., 2021; Helmus, 2023)

Female ICSO

- No tools available.

- Assess maltreatment experiences and their impact on development of sexual offending behavior.

- Offending dynamics tend to be different.

  - More often with a male co-defendant.

- Evaluate all areas of general sex offender assessment literature.

- My Suggestion for evaluation:

  - Anchor opinion in the very low rate of recidivism (approximately one percent).

  - Consider specific impact of maltreatment had on sexual offending

  - Use SVR-20 V2 as an SPJ.

  - Consider most robust contributors to sexual offending: Antisociality and deviant sexual preference.

(Gannon & Cortoni, 2010; Hanson & Bussière, 1998)

Step 2: Narrowing the focus

▶ Now focus risk assessment to particular child.

▶ Providing opinions about a particular child has significant limitations:

  ▶ We are not evaluating the child.

  ▶ Many of us are not also child psychologists.

  ▶ What we can say about a specific child is very limited.

How can we do this in a structured, empirical manner?

Narrowing the focus

▶ I've seen reports that say something to the extent of:

 ▶ In my opinion, Mr. X is a low risk

 ▶ Living with his child is conducive to his relapse prevention plan because being a parent will give Mr. X meaning and purpose.

 ▶ The child should/should not be informed about Mr. X's offense because they are X years old and can/cannot comprehend this information.

Problems with these conclusions?

- Did the ICSO articulate a clear connection between his RP plan and parenting? (I haven't seen it).

- If the ICSO is already a low risk, who cares if living with the child is conducive to his RP plan?

- Does meaning and purpose negate the increased risk of living with a child?

- How did you support the opinion the child should or should not be told about their parent's offense?

    - Cite developmental research regarding cognition?

    - Cite research about the harm, or lack there of, of learning this information about the person who is about to be your parent?

    - Conduct psychological testing of the child specific to learning and comprehending such emotionally charged information?

Step 2: Narrowing the focus

Never fear, Bob McGrath is here

▶ Risk of Sexual Abuse of Children (ROSAC) authored by Robert McGrath, Health Allin, and Georgia Cumming in 2015.

▶ Structured professional guide for assessing risk of adult males who have sexually abused a specific child and under what circumstances, if any, the individual might safely allow contact with the child.

▶ 30 risk factors, divided into four sections:

▶ Risk factors for the ICSO.

▶ Characteristics of the child at risk of sexual abuse.

▶ Characteristics of the child's primary caregiver

▶ Other considerations.

Step 2: Narrowing the focus

▶ The ROSAC helps the evaluator weigh:

  ▶ Harm of sexual abuse.

  ▶ Harm of separating a child to which they are attached.

  ▶ Harm of infringing on the rights of the individual to live their lives without undo government interference.

Step 2: Narrowing the focus

▶ Closest to a scientifically informed LWC evaluation protocol.

▶ Goes beyond general sex offending risk factors.

▶ Considers partner and child factors than can increase or decrease risk to a specific child.

Step 2: Narrowing the focus

▶ 0 = not present

▶ 1= partially present

▶ 2 = present

Lifestyle Stability		n/a	0	1	2
15.	**Residence, Past Year** 0 = stable; no or one address change 1 = two address changes 2 = three or more address changes, or periods of homelessness	☐	☐	☐	☐
16.	**Employment, Past Year** 0 = employed 60% or more, or retired, disabled, or homemaker 1 = employed 40 to 59% 2 = employed less than 40% of the time	☐	☐	☐	☐
17.	**Substance Use, Past Year** 0 = no problems 1 = some social or legal problems 2 = serious social or legal problems	☐	☐	☐	☐
18.	**Mental Health, Past Year** 0 = no problems 1 = some problems 2 = serious problems	☐	☐	☐	☐
19.	**Adult Intimate Relationships** 0 = has lived with an intimate adult partner for at least 2 years 1 = has lived with an adult partner for 2 years but significant past problems 2 = no stable relationships or significant current problems	☐	☐	☐	☐
Child at Risk Considerations					
20.	**Contact with Abuser** 0 = child had no prior contact with abuser at time of report 1 = child contact with abuser was intermittent and supervised 2 = child had unsupervised contact or lived with the abuser	☐	☐	☐	☐
21.	**Gender** 0 = child not the same gender as abuser's past victim/s 2 = child is same gender as abuser's past victim/s	☐	☐		☐
22.	**Age** 0 = abuser's sexual abuse victims were all age 16 or older 1 = abuser has a sexual abuse victim age 15 or younger 2 = abuser has a sexual abuse victim within 5 years of age of the child at risk	☐	☐	☐	☐
23.	**Past Victimization** 0 = child has no history of sexual, emotional, or physical abuse 1 = may have history of sexual, emotional, or physical abuse 2 = child has a history of sexual, emotional, or physical abuse	☐	☐	☐	☐
24.	**Disabilities or Young Age** 0 = child has no evident vulnerabilities; communicates clearly 1 = some physical, cognitive, or emotional disabilities 2 = serious physical, cognitive, or emotional disabilities; or child under age 5	☐	☐	☐	☐
Primary Caregiver Considerations					
25.	**Cooperation with the Investigation and Intervention** 0 = cooperative 1 = somewhat uncooperative 2 = uncooperative	☐	☐	☐	☐
26.	**Awareness of Abuser's Risk** 0 = knows abuser's history and has realistic view of risk 1 = limited knowledge or minimizes risk 2 = unaware of abuser's history or significantly minimizes risk	☐	☐	☐	☐
27.	**Child Caregiver History** 0 = good 1 = some concerns 2 = serious concerns; substantiation, charge, or separation for abuse/neglect	☐	☐	☐	☐
28.	**Support Network** 0 = primarily positive 1 = mix of positive and negative, or socially isolated 2 = primarily negative	☐	☐	☐	☐
29.	**Willingness and Ability to Protect** 0 = good 1 = questionable 2 = poor ☐ Intellectual disability ☐ Substance abuse ☐ Mental health ☐ Physical health ☐ Domestic abuse by the abuser	☐	☐	☐	☐
Other Considerations					
30.	_____		☐	☐	☐
			☐	☐	☐
Risk Determination					

☐ No clear present risk. ☐ Some risk. Restrict contact and develop safety plan. ☐ Significant risk. Prohibit abuser-child contact.

Child at Risk Considerations

▶ #3. Is it appropriate to inform the minor child of the circumstances of the sexual offense committed by the offender?

　　▶ ROSAC lets us know if there are a low, moderate, or high degree of child at risk considerations.

　　　　▶ When there are many concerns about the child, the benefit of the child being informed may outweigh the harm of knowing this information about their caregiver.

　　▶ If the primary caregivers demonstrates a great deal of concerns, it may be more important for the child to know this information as they may have to protect themselves.

Child at Risk Considerations

Degree of prior contact with abuser
- More comfort with abuser, the looser boundaries may be in future.

Gender
- If same gender as past victim(s), at increased risk.

Age
- If close in age as past victim (s), at increased risk.

Past victimization
- Previous abuse history makes the child vulnerable to future victimization.

Disabilities at a young age
- The greater the physical, cognitive, or emotional disability, harder it may be to protect oneself.

Primary Caregiver Considerations

Cooperation with the Investigation and Intervention	Awareness of the abuser's risk	Child caregiver history	Support network	Willingness and ability to protect
• Uncooperative partner = less likely to report concerning behavior and cooperate with RP/GLM plan	• Partner in denial of risk = less vigilant for signs of concerns	• Previous child abuse cases = lacking empathy/awareness of child's needs	• Isolated parent = burdened by stress, less focused on needs of the child	• Antisocial or cognitively impaired parents = less protective of child due to unwillingness or inability.

Step 3: Pulling it all together

- ▶ ROSAC recommends three conclusions:
  - ▶ No clear present risk
    - ▶ No intervention or may monitor
  - ▶ some risk
    - ▶ Restrict contact and develop a safety plan
  - ▶ Significant risk
    - ▶ Prohibit all contact

Pulling it all together

► Establish baseline risk. What was their risk right after the offense or when first released?

  ► e.g., STATIC-99R.

  ► If applicable, account for time offense free.

► Establish stable but changeable risk within the last year. Is there anything about the last year that makes the ICSO different from what the STATIC-99R tells us?

  ► e.g., STABLE-2007 and ACUTE-2007.

► Put the ICSO's general risk in context of where they want to live.

  ► Risk tolerance will depend on the vulnerabilities in that environment (e.g., caregiver and child issues).

Practice case

Reason for Referral: Mr. X's wants to live with his fiancé and stepdaughter

▶ **Background**:

- ▶ Youngest of four siblings
- ▶ Positive memories of childhood; generally stable
- ▶ Father abused alcohol and was abusive towards his wife.
- ▶ Had friends but was bullied for being overweight
- ▶ Sexually abused by adult male family friend at 9 and 10
  - ▶ No lasting impact on mental health, sex drive, or sexual interest.
- ▶ Joined volunteer EMS at 15 after school
  - ▶ "seeing carnage messed [him] up" = broad apathy
- ▶ First consensual sexual experience at 18 with a female agemate

Practice case

- Offense context
- Good relationships with his parents and lived at home
- Good career with EMS.
- Depressed and anxious all the time, and felt stuck in his life.
- Poor coping. He watched pornography and masturbated daily.
- Repeatedly cheated on girlfriend of two years.
- Overly sexualized women and had a high sex drive.
- Sex with 20 female agemates Mr. X met online and at bars.
- Mr. X acknowledged being promiscuous and reckless because he did not care about the consequences of his actions.
- Did whatever he wanted and spent money impulsively, leading to significant debt.

Practice Case

- **Offense:**
  - 2000, Sexual chatting in AOL chat Rooms
  - Talk with 16 yo girl for two months
  - Arranged meeting for sex, canceled 2 out of 3
  - Third time, Met in park and had sex
  - Pled to Sexual Assault (second degree) on 11-1-24.
  - Sentenced to five years incarceration at specialized prison for SOST, Megan's Law registration, and CSL.

- **Correctional SOST**
  - No records available
  - Self report:
    - beneficial, learning about self and pathway to offending
    - Demonstrated insight into pathway and cognitive distortions during interview with me
    - No trouble

Practice Case

- <u>Post Offense Life</u>
  - Released at 33
  - Outpatient SOST for four to five years
  - Met first wife before sentencing
  - Toxic relationship but she stayed with him through incarceration so he remained in the relationship because felt he owed her
  - Worked odd jobs and lived with her.
  - Relationship continued to deteriorate; Mr. X depressed and suicidal
  - 72 hour psych hold and began psych meds for depression and anxiety
  - MH stabilized, finished trade school, and got a job he liked working on cares
  - Worked a lot, gave him purpose

Practice Case

- Post-offense life:
  - Divorced 2009 and moved back in with parents
  - Tremendous debt due to ex-wife, tried to pay off for years, bankruptcy in 2023.
  - MH improved
  - Charged with Failure to Register in 2015
    - Had stopped meds=depressed. Spent most of his time in bed and forgot
  - Served 364 in jail. Released 2017
  - Couldn't live with parents, went to a homeless shelter for two years while saving for an apartment.
  - Quickly got job fixing cars
  - Stayed on meds, no behavioral, MH, or SA problems since.
  - Worked through the pandemic, good for him
  - Got own apartment in 2020. and held stable jobs

Practice Case

- <u>Current Functioning:</u>
- Met fiancé 1.5 years ago at job, together since
- No history of MH, SA, or trauma
- Aware of Mr. X's offense
- She works and is good with money
- Fiancé has teenage daughter, Mr. X met her one year ago
- Mr. X aware of daughters emotional problems; Dx bipolar and on meds
- No issues with her, doing well on meds
- Mr. X is never alone with her

Practice Case

- <u>Current functioning</u>
    - Social life and free time spent prosocially
    - Little time on the Internet
    - Back on Lexapro two months ago
    - Stress of trying to get LWC evaluation and being on CSL = depression relapse
    - No concerns about sexual interests and behaviors
    - Wants to marry fiancé and move in together
        - Also help financially
    - No issues with PO or requirements
    - Lived in current apartment for three years.

Practice Case

- Consult with PO:
  - No concerns
- Interview of Fiancé:
  - Corroborated Mr. X's reports
  - Basic understanding of his offense
  - No concerns about what she has observed from Mr. X
  - Reported no history of trauma, MH, or SA
  - 16 yo daughter with MH problems, no physical or cognitive disabilities.
  - Daughter close to Mr. X, who is her emergency contact.
  - WFH and supervises all Mr. X contact with her.
  - Would end relationship if had legitimate concerns; daughter comes first.
  - Mr.X living with them would enhance his daughter's MH.

Practice Case

▶ Psych Testing:

    ▶ Self-report instruments:

        ▶ PAI validity scales suggested candid responding, no indications of clinical psychopathology.

        ▶ Other self-report: mild depression and anxiety. History of mood dysregulation

        ▶ PCL-R = 6 out of 40

            ▶ Aside from a technical violation in 2015, Mr. X has demonstrated no other concerns since his release from ADTC.

STATIC-99R

Risk Factor	Score	Comment
1. Young	1	Mr. X received one point because he was 33 years old when exposed to risk after being released from the ADTC after his sexual offense. Research shows that sexual recidivism is much more likely in an offender's early adulthood.
2. Ever Lived with an intimate partner for at least two Years	1	Research suggests sustaining a 2-year live-in relationship with an intimate partner is a predictive factor against sexual reoffending. Mr. X was given one point for this item because he did not consistently live with a romantic partner for more than two years before his sexual offense.
3. Index Nonsexual Violence Convictions	0	Literature indicates that having a separate conviction for a nonsexual violent crime when a defendant is convicted of their index offense shows a small positive relationship with sexual recidivism. Mr. X was not convicted of nonsexual violence during his sexual offense.
4. Prior Nonsexual Violence Convictions	0	The presence of nonsexual violence shows a small positive relationship with sexual recidivism. Mr. X has no nonsexual violence convictions.
5. Prior Sex Offenses	0	Prior sex offenses are a predictive factor for sexual recidivism. Not present.
6. Prior Sentencing Dates	0	Having a criminal history is a predictor of future criminal behavior. To receive a score on this item, an individual must have four or more sentencing dates on his adult criminal record, excluding the index offense. Not present.
7. Any Convictions for Non-Contact Sex Offenses	0	Convictions for non-contact sexual offenses include such crimes as exhibitionism, possession of obscene material, obscene phone calls, and voyeurism. Not present.
8. Any Unrelated Victims	1	Offenders who offend against family members recidivate less than those who have victims outside their immediate family. Present.
9. Any Stranger Victims	0	Research shows that having a stranger victim is related to sexual recidivism. Not present.
10. Any Male Victims	0	Research shows that offenders who offend against male children or adults recidivate at a higher rate than those who do not have male victims. Mr. X has no male victim.

Time offense free calculation

STATIC-99R: 3: Average, Risk Level III

Released approximately December 2008.

Reincarcerated for a technical violation for 364 days in 2015.

Subtract this time from his time offense-free = approximately 14 years and 9 months since Mr. X was exposed to risk after his release from incarceration for his sexual offense.

➢ Average STATIC-99R substantially overestimates his risk

➢ STATIC-99R: **3 w/ 12 years offense-free** = risk the same as the spontaneous rate of first-time sexual offenses among felons with no history of sexual crime (e.g., desistance).

➢ STATIC-99R: **3 w/ 14 years and 9 months offense-free** = below desistance levels at 1%.

➢ Gen pop: 2% commit sex offenses in lifetime. Mr. X expected recidivism rate is below that.

(Hanson et al., 2017; Lee et al., 2023; Thornton et al., 2021)

Is there anything about Mr. X making him riskier than the group of individuals whose current expected recidivism rate is below desistance levels?

STABLE-2007

Score items	Notes	Total
Significant Social Influences	Mr. X has one positive influence and no negative. I have received no records or reports to suggest otherwise.	0
Capacity for Relationship Stability	Before his offense, Mr. X did not consistently live with a romantic partner for two years or more. While engaged, he is currently prohibited from living with his partner because she has a 16-year-old daughter.	2
Emotional Identification with Children	Not applicable.	NA
Hostility Towards Women	No indications in the last year from records or interviews.	0
General Social Rejection/Loneliness	No indications in the last year from records or interviews.	0
Lack of Concern for Others	No indications in the last year from records or interviews.	0
Impulsive	No signs in the previous year from records or interviews.	0
Poor Problem-Solving Skills	No indications in the last year from records or interviews	0
Negative Emotionality	This area samples whether the offender feels angry and aggrieved due to their legal situation beyond what would be expected. Not present.	0
Sex Drive/Preoccupation	There have been no indications in the last year from records or interviews.	0
Sex as Coping	No indication in the last year from records or interviews.	0
Deviant Sexual interests/Preference	The age of Mr. X's victim does not suggest deviant sexual interests, and there are no other indications of this issue.	0
Cooperation with Supervision	No indication of noncompliance in the last year from records or interviews.	0
Total Score	Low: 0 to 3, Moderate: 4 to 11, High: 12+	2/24

ACUTE-2007

SEX/VIOLENCE SCORE		Score	GENERAL RECIDIVISM		Score
Scoring Item	Comment				
Victim Access:	No indications	0			0
Hostility:	No indications	0			0
Sexual Preoccupation:	No indications	0			0
Rejection of Supervision:	No indications	0			0
			Scoring Item	Comment	
			Emotional Collapse	No indications	0
			Collapse of Social Supports	No indications	0
			Substance Abuse	No indications	0
Sex/Violence Total		0	General Recidivism Risk Total		0

Risk Assessment

- What we know so far:

  - After 14 years and 9 months offense free, Mr. X's static risk is estimated to be 1% below desistance levels

  - Behavior within the last year demonstrates no concerns. Low dynamic risk.

    - We can safely say Mr. X is a low risk for sexual reoffense in a general sense.

  - Now we apply that to the specific home environment in which he wants to live with a child.

  - Score the Risk of Sexual Abuse of Children (ROSAC)

    - five sections: Sexual Abuse History, Criminal History, and Lifestyle Stability, Child at Risk Considerations, Primary Caregiver Considerations

Sexual Abusing History	n/a	Score
1. Prior Sanctioning Occasions for Sexual Abuse Acts 0 = none; do not count the index sexual abuse sanctioning occasion 2 = one or more prior sanctioning occasions		0
2. Risk Level Based on an Actuarial Risk Instrument 0 = low 1 = moderate-low or moderate 2 = moderate-high or high		0
3. Years Sexual Abuse–Free in the Community 0 = more than 10 years 1 = 5 to 10 years 2 = less than 5 years		0
4. Abuse-Related Sexual Interests 0 = single victim and age-appropriate adult relationships 1 = two to four victims and age-appropriate adult relationships 2 = five or more victims or no or minimal adult relationships		0
5. Duration 0 = one incident 1 = two or more incidents over a 6-month-period or less 2 = two or more incidents over a period greater than six months		0
6. Intrusiveness 0 = noncontact sexual abuse only 1 = contact sexual abuse not as intrusive as a code of "2" 2 = any actual or attempted penetration or oral sex		2
7. Use of Force 0 = noncontact sexual abuse only 1 = verbal manipulation or other nonforceful means 2 = threats of physical harm, physical force, drugs or alcohol, or weapon use		0

Sexual Abusing History	n/a	Score
8. Victim Physical Harm 0 = no physical injury 1 = physical injury not requiring formal medical attention 2 = treated for physical injury or hospitalized for injury and released		0
9. Sexual Abuser Treatment 0 = completed treatment or not referred to treatment 1 = currently in treatment 2 = did not complete or reoffended after completing treatment		0
10. Responsibility for Sexual Abusing 0 = full 1 = some 2 = none		0
11. Cooperation with the Investigation and Intervention 0 = cooperative 1 = somewhat uncooperative 2 = uncooperative		0

Criminal History	n/a	Score
12. Sentencing Dates 0 = none or one 1 = two to four 2 = five or more		0
13. Nonsexual Violence History 0 = none 1 = one act 2 = two or more acts		0
14. Violations of Community Release Conditions, Past 5 Years 0 = none 1 = one 2 = two or more		0

Lifestyle Stability	n/a	Score
15. Residence, Past Year 0 = Stable; no or one address change 1 = two address changes 2 = three or more address changes or periods of homelessness		0
16. Employment, Past Year 0 = employed 60% or more, or retired, disabled, or homemaker 1 = employed 40 to 59% 2 = employed less than 40% of the time		0
17. Substance Use, Past Year 0 = no problems 1 = some social or legal problems 2 = serious social or legal problems		0
18. Mental Health, Past Year 0 = no problems 1 = some problems 2 = serious problems		1
19. Adult Intimate Relationships 0 = has lived with an intimate adult partner for at least two years 1 = has lived with an adult partner for two years but significant past problems 2 = no stable relationships or significant current problems		1

Child at risk Considerations	n/a	Score
20. Contact with Abuser 0 = child had no prior contact with the abuser at the time of the report 1 = child contact with abuser was intermittent and supervised 2 = child had unsupervised contact or lived with the abuser		1
21. Gender 0 = child not the same gender as abuser's past victim/s 2 = child is the same gender as abuser's past victim/s		2
22. Age 0 = abuser's sexual abuse victims were all age 16 or older 1 = abuser has a sexual abuse victim age 15 or younger 2 = abuser has a sexual abuse victim within five years of the age of the child at risk		2
23. Past Victimization 0 = child has no history of sexual, emotional, or physical abuse 1 = may have a history of sexual, emotional, or physical abuse 2 = child has a history of sexual, emotional, or physical abuse		0
24. Disabilities or Young Age 0 = child has no evident vulnerabilities; communicates clearly 1 = some physical, cognitive, or emotional disabilities 2 = serious physical, cognitive, or emotional disabilities; or child under age 5		1

Primary Caregiver Considerations	n/a	Score
25. Cooperation with Investigation and Intervention 0 = cooperative 1 = somewhat uncooperative 2 = uncooperative		0
26. Awareness of Abuser's Risk 0 = knows abuser's history and has a realistic view of risk 1 = limited knowledge or minimizes risk 2 = unaware of abuser's history or significantly minimizes risk		0
27. Child Caregiver History 0 = good 1 = some concerns 2 = serious concerns, substantiation, charge, or separation for abuse/neglect		0
28. Support Network 0 = primarily positive 1 = mix or positive and negative, or socially isolated 2 = primarily negative		0
29. Willingness and Ability to Protect 0 = good 1 = questionable 2 = poor		0

Mr. X's ROSAC, Broad Strokes

Sexual Abusing History = Low proportion of concerns

Criminal History = No concerns

Lifestyle Stability = Low proportion of concerns

Child at Risk Considerations = Mod/High proportion of Concerns

Primary Caregiver Considerations = No Concerns
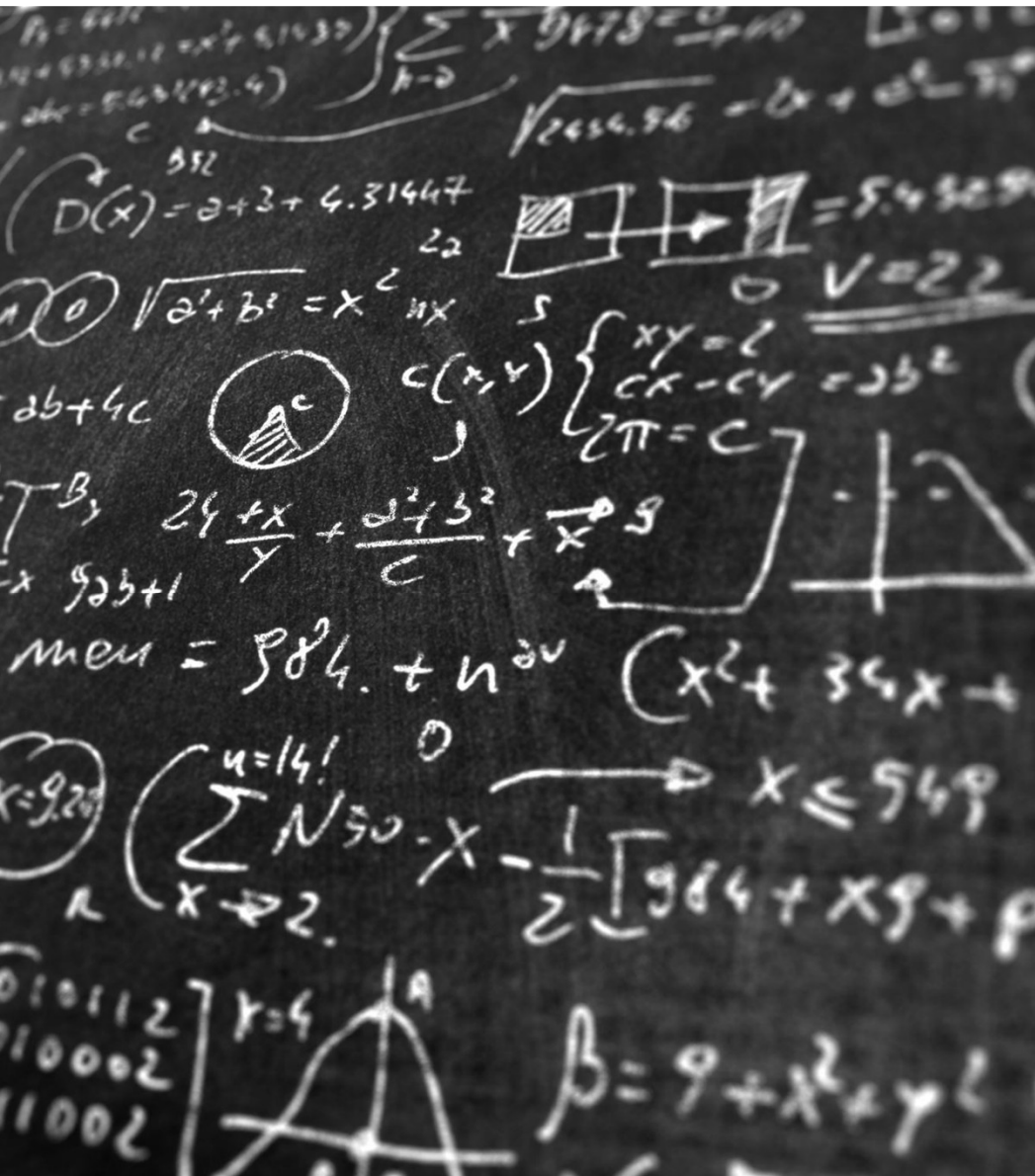
Other Considerations

30. None

Risk Determination

- **<u>No clear present risk</u>**
- Some Risk. Restrict contact and develop a safety plan
- Significant Risk. Prohibit abuser-child contact

So…what do we know?

We know that Mr. X's…

▶ Static-99R below desistance levels = low risk

▶ STABLE-2007 and ACUTE-2007 = low risk

▶ ROSAC = Child characteristics warrant consideration

▶Based on everything we can know, Mr. X can live safely with future stepdaughter.

Now, let's answer Parole's questions

What is the sexual risk Mr. X poses to the community and his Future Stepdaughter?

Overall opinion, low risk in general and very low risk stepdaughter

Discuss desistance and age literature and how it applies to him

Discuss scores on STABLE, ACUTE, and ROSAC in more narrative form

- Possible areas of consideration:
- Victim/offense characteristics
- Caregiver characteristics: demonstrates a willingness to cooperate with intervention, adequate awareness of Mr. X's history of sexually abusive behavior, no concern about her history caring for children or mental health, utilizes a positive support network, willing and able to protect son from sexual harm. Works from home, supervises all contact

Why would contact with Mr. X's future stepdaughter be conducive to his relapse prevention plan?

- Being a stepfather gives purpose to his life.

- Living with fiancé deepens relationship, enhancing protective factors both relational and financial.

- If barred, would lose her support, hindering the development of protective factors

Would it be appropriate to inform Mr. X's future stepdaughter about his history of sex offending?

- According to Fiancé, her daughter knows.
- However, very low level of risk makes reminding her daughter largely irrelevant.

Questions? Comments?

Feel free to reach out to me at zyeoman@somersetpsych.com