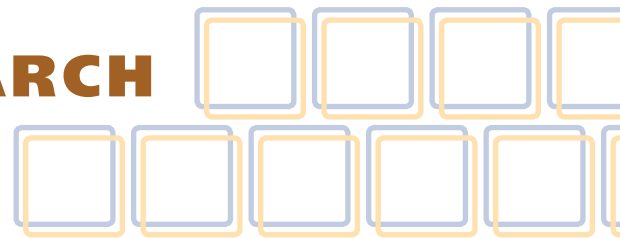# SOMAPI RESEARCH BRIEF

SEX OFFENDER MANAGEMENT ASSESSMENT AND PLANNING INITIATIVE

Luis C. deBaca, Director • July 2015

Sex Offender Risk Assessment

by Kevin Baldwin, Ph.D.

Introduction

Risk assessment is a process for estimating the likelihood that an offender will recidivate. The ability to accurately assess the likelihood of future criminal behavior is important to clinicians, policymakers, and the public alike. Indeed, the effectiveness of sex offender management policies relies on the ability of criminal justice professionals to accurately differentiate sexual offenders according to their risk for recidivism (Hanson & Morton-Bourgon, 2005). Estimates of risk for sex offenders are used in a variety of decisionmaking contexts, including sentencing and criminal adjudications; determination of treatment needs, settings, and modalities; sex offender registration and notification proceedings; and civil commitment proceedings.

This brief addresses risk assessment for adult sexual offenders. It summarizes what is scientifically known about the topic and identifies policy implications, knowledge gaps, and unresolved controversies that emerge from the extant research and that might serve as a catalyst for future empirical study.

Summary of Research Findings

Methods of Assessing Sex Offender Risk

Methods of assessing sex offender risk can generally be categorized as follows (Hanson, 1998): unguided (unstructured) clinical judgment,[1] guided (structured) clinical judgment,[2] research-guided clinical judgment,[3] and a pure actuarial approach.[4] Similarly, criminologist James Bonta (1996) has identified three generations of risk assessment methods: unstructured professional

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opinion (corresponding to Hanson's [1998] unstructured clinical judgment), actuarial methods using static predictors (corresponding to Hanson's actuarial approach), and methods that include both static and dynamic factors (referred to by Bonta as "criminogenic needs"). By including dynamic risk factors in the assessment process, third-generation risk assessments can be used to both guide and evaluate the impact of intervention efforts.

Hanson and Morton-Bourgon (2009) concluded that empirically derived actuarial approaches were more accurate than unstructured professional judgment in assessing the risk of all outcomes (sexual, violent, and any recidivism). The accuracy of structured professional judgment methods fell in between these two methods. Finally, the current thinking in the field confirms the promise of third-generation risk assessment methods as research tells us more about the relationship between specific dynamic factors and the risk for recidivism (Hanson, 2011; Mann, Hanson, & Thornton, 2010; A. Phenix, personal communication, May 10, 2011).

Static Risk Assessment Factors and Instruments

Hanson and colleagues (Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2005) have published the results of a series of meta-analyses[5] that together shed light on the known universe of static risk factors associated with sexual recidivism. The strongest predictors of sexual recidivism are factors related to sexual criminality, such as a demonstrated sexual interest in children, a history of prior sexual offenses, the age of onset of sexual offending behavior, and having committed a variety of sexual offenses. Factors relating to a lifestyle of instability/criminality (e.g., substance abuse and history of rule violation) were also found to be associated with sexual offense recidivism (Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2005). No risk factor to date, however, has been found in isolation to be a robust predictor of recidivism. Hence, risk assessment by necessity involves the examination of several risk factors combined in a meaningful manner.

Hanson and Morton-Bourgon (2009) found that for assessing the likelihood of sexual recidivism, the best-supported instruments were the Static-99 (Hanson & Thornton, 2000), Static-2002 (Hanson, Helmus, & Thornton, 2010), MnSOST-R (Epperson et al., 2000), Risk

Matrix 2000–Sex (Kingston et al., 2008); and the SVR-20, specifically using the mechanical approach of adding the items (Boer et al., 1997). It is important to note, however, that currently there are no validated risk assessment instruments for certain subsets of sexual offenders, such as child pornography offenders and female offenders.

Dynamic Risk Assessment Instruments and Factors

Although research findings are quite consistent regarding the static risk factors, there is less agreement at present regarding more fluid, changeable risk factors referred to as "dynamic" risk factors (e.g., employment status, cooperation with supervision, active substance abuse, demonstrated pro-offending attitudes). Some risk assessment experts have suggested that the accuracy of purely actuarial approaches can be increased if certain dynamic risk factors are included in the assessment instrument or otherwise considered as part of the assessment process.[6]

One dynamic risk factor that has received considerable attention in this context is the offender's age at the time of assessment. The inverse relationship between age and criminal offending—as age increases, offending decreases—is one of the more robust findings within criminology (Hirschi & Gottfredson, 1983). Age as an adjusting factor in risk assessment has received considerable attention not only because of the strength and consistency of its relationship to offending, but also because some actuarial instruments (e.g., Static-99 and Static-2002) have been found to underestimate the likelihood of recidivism for younger offenders and to overestimate it for older offenders (Helmus et al., 2012; Wollert et al., 2010). As a result of these findings, the Static-99 and Static-2002 have been revised to better account for the impact of the offender's age at the time of assessment, resulting in the Static-99R and Static-2002R.

Another set of factors often considered as potential adjustments to actuarial measures are those referred to as "criminogenic needs" (Bonta, 1996) or psychologically meaningful risk factors (Mann, Hanson, & Thornton, 2010). These are dynamic (that is, changeable) risk factors that can serve as targets for intervention efforts.

A number of instruments incorporating dynamic factors have been developed in recent years, including the Stable-2007/Acute-2007 (Hanson et al., 2007) and the

Forensic Version of the Structured Risk Assessment (SRA–FV; Thornton & Knight, 2009). Neither of these instruments, however, has the research backing of the more established instruments of static risk, such as the Static-99R and Static-2002R. A recent meta-analysis (Mann, Hanson, & Thornton, 2010) provides the most complete understanding to date of the relationship between a host of dynamic factors and sex offender recidivism.

The use of third-generation risk assessment instruments that incorporate both static and dynamic risk factors is becoming more prevalent (Hanson & Morton-Bourgon, 2009; A. Phenix, personal communication, May 10, 2011). These instruments have the potential added benefit of providing targets for intervention. An example of a third-generation instrument is the Level of Service/Case Management Inventory (Andrews, Bonta, & Wormith, 2004), which provides a general assessment of risks and needs for criminal-justice-involved persons. Finally, the Violence Risk Scale: Sexual Offender Version (VRS:SO) is a recently developed instrument specifically designed to assess risks and needs among sex offenders (Beggs & Grace, 2010).

Use of Multiple Risk Assessment Instruments

Research has yet to identify a single "best" instrument for assessing the risk of sexual offenders, so clinicians have considered the potential value of using more than one instrument during the assessment process (Doren, 2002; Hanson, 2009, 2011).

Two primary rationales support the notion that using multiple instruments provides potential benefits. First, classical test theory suggests that increasing the number of items in an assessment increases reliability and coverage. Second, if there are multiple driving forces behind sexual offending behavior, and individual risk assessment instruments tap these underlying dimensions or pathways to sexual offense recidivism differentially, then the use of multiple instruments would have a distinct advantage over the use of a single instrument alone. Indeed, the empirical evidence suggests that multiple dimensions or pathways underlie sexual offending, with a number of scholars describing a convergence between two of these dimensions: sexual criminality and general criminality. Evidence for these two pathways also has been found in meta-analytic

studies of the factors associated with sex offender recidivism (Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2005).

Communicating Risk Assessment Results

Another issue of critical importance in sex offender risk assessment is the communication of risk assessment findings (Babchishin & Hanson, 2009; Doren, 2002; Hanson, 2009). Currently, nominal descriptors of risk (low, moderate, and high) are used most commonly (Babchishin & Hanson, 2009). Although qualitative descriptions in general and these nominal descriptors in particular are usually preferred over numerical formats for communicating risk, the use of qualitative labels alone has certain limitations.

One way to mitigate the problems associated with the exclusive use of nominal categories is to also provide numerical indicators of risk, such as a recidivism rate probability, a percentile rank, or a risk ratio. There are a variety of numerical formats commonly used to convey *absolute risk,* such as frequencies and percentages, both of which are usually accompanied by a specific time frame. *Relative risk* estimates, such as percentile ranks and risk ratios, are useful as well.

Finally, consumers of risk assessment information typically desire more than a simple nominal or numeric indicator of risk. Frequently, decisionmakers want the risk assessment process to provide them with information on the likelihood of recidivism, the potential consequences associated with recidivism, and what might be done to mitigate the assessed risk (Hanson, 2009).

Research Limitations and Future Needs

One of the key challenges for the field is to identify more comprehensively the risk factors (both static and dynamic) that are related to sexual offending. Identifying these factors and incorporating them into the risk assessment process will help clinicians and decisionmakers better match risk levels to treatment and management efforts, thereby fulfilling the promise of third-generation risk assessment instruments (Bonta, 1996).

Given the lack of a single best risk assessment instrument, evaluators will continue to have to rely on their professional judgment to select and employ the best risk assessment approach for the circumstances and setting. Incorporating dynamic risk factors at this point in time requires a structured approach and subsequent clinical adjustment, as there are no universally agreed-upon weights for the relevant dynamic risk factors (A. Phenix, personal communication, May 10, 2011). More research on the use of dynamic risk factors is clearly needed, along with research on how best to use knowledge about offender strengths and assets (protective factors) that facilitate desistance from crime (Griffin et al., 2008; K. Hanson, personal communications, April 8 and June 7, 2011; Maruna & LeBel, 2003).

Research on the best ways to revise assigned risk based on post-index behavior or qualities is also needed. In effect, this entails identifying treatment targets and assessing the impact of treatment on risk and other factors, such as institutional misconduct or the amount of time that has elapsed without a new conviction (K. Hanson, personal communications, April 8 and June 7, 2011). The ability to detect meaningful changes in risk, especially for high-risk offenders, is particularly important (Hanson, 2011; Olver et al., 2007). The VRS:SO is a promising development in this area (Beggs & Grace, 2010; Thornton, Hanson, & Helmus, 2011). Other instruments to consider for gauging changes in risk over time include the Stable-2007 and the SRA–FV (Thornton & Knight, 2009). As noted earlier, the Static-99 and Static-2002 have recently been revised to incorporate the impact of aging on risk, resulting in the inclusion of new age weights and the publication of the Static-99R and Static-2002R (Helmus et al., 2012).

Finally, studies that can help determine the best way to classify risk for sex offender management policies such as registration/notification and civil commitment are needed. In this regard, there also is a need to devise more effective and intuitive means of communicating risk assessment findings. Communication of risk should be tailored to the purpose and setting of the assessment, and both qualitative descriptors and numerical estimates should be provided that consumers of risk assessment information can use to guide sex offender management decisionmaking. Furnishing decisionmakers with an accurate, contextual understanding of risk— and with recommendations for mitigating and managing risk—is likely to be most beneficial.

Conclusions and Policy Implications

Significant advancements in the science and practice of sex offender risk assessment have occurred over the past two decades. A number of reliable, valid approaches for assessing sex offender risk are now available. Rigorous scientific research has demonstrated that respectable levels of predictive accuracy have been obtained with purely actuarial risk assessment approaches, approaches using structured professional judgment, and the mechanical combination of items from structured risk schemes. Although research evidence to date has not indicated which of these approaches are best suited to specific testing circumstances and contexts (Hanson, 2009), recent meta-analyses (Hanson & Morton-Bourgon, 2009) suggest that purely actuarial assessment approaches should be favored over other approaches for the assessment of risk for sexual reoffense (Hanson, 2009). Ultimately, however, decisions about the best approach or instrument to use should be made in the context of the assessment setting, the characteristics of the individual being assessed, and the specific purpose of the risk assessment.

Many of the purely actuarial tools in wide use today can be completed quickly and easily by a variety of trained personnel (Klima & Lieb, 2008). The advent of automated actuarial tools conceptually allows even clerical workers to compute risk scores using these instruments. It is nonetheless important to provide ongoing training and monitoring of evaluators to ensure that risk assessment procedures and instruments are always used appropriately and with integrity.

In conclusion, based on current knowledge, using science-based, actuarial methods to assess sex offender risk is highly advisable (Doren, 2002; Hanson & Morton-Bourgon, 2009; Tabachnik & Klein, 2011). As Hanson and Morton-Bourgon (2009, p. 10) aptly state, "Given its genesis in data, the empirical actuarial approach will ultimately provide the best estimates of absolute risk." In fact, such instruments should not be ignored in assessing the risk for sex offender reoffense unless there is clear and justifiable reason to do so, such as in cases for which no applicable risk instrument exists (Hanson & Morton-Bourgon, 2009).

Notes

1. The evaluator reviews case material and applies personal experience to arrive at a risk estimate without relying on a specific list of risk factors or underlying theory to prioritize or weight any of the information used.

2. The evaluator begins with a finite list of factors thought to be related to risk, drawn from personal experience or theory rather than from relevant empirical evidence.

3. The evaluator begins with a finite list of factors identified in the professional literature as being related to risk. Although these factors are given priority in the risk assessment, they are combined with other factors and considerations, using the clinician's judgment.

4. The evaluator employs an existing instrument composed of a finite, weighted set of factors (generally static, or relatively unchanging and historical in nature) identified in the literature as being associated with risk. The instrument is used to identify the presence or absence of each risk factor, and an estimate of risk is arrived at through a standard, prescribed means of combining the factors. This approach is the only risk assessment method that can be scored using a computerized algorithm or by minimally trained non-clinicians.

5. A meta-analysis combines the results of many evaluations into one large study with many subjects.

6. See, for example, Wollert and colleagues (2010); Hanson and Morton-Bourgon (2009); Doren, (2002); and McGrath, Cumming, and Lasher (2012).

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ABOUT SMART

The Adam Walsh Child Protection and Safety Act of 2006 authorized the establishment of the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office within OJP. SMART is responsible for assisting with implementation of the Sex Offender Registration and Notification Act (SORNA), and also for providing assistance to criminal justice professionals across the entire spectrum of sex offender management activities needed to ensure public safety.