

Abstract

Although the developers of the Static-99R describe the “Preselected for High-Risk/High-Needs Sample,” as including offenders “referred for services at forensic psychiatric facilities, such as offenders referred as Mentally Disordered Sex Offenders, Sexually Violent Predators,” etc., no persons involved in SVP proceedings are included in any of the 22 research samples that comprise the four Static-99R comparison groups. We compiled sexual-recidivism base-rate data from recent USA samples at various stages of the civil-commitment process. Available data do not consistently support the use of the High-Risk/High-Needs comparison group for persons involved in the civil commitment process.

Introduction

At least twenty states have instituted procedures for civil commitment of sexually violent predators. In each state, psychological or psychiatric evaluations are a necessary part of the civil-commitment process, and an assessment of risk for sexual re-offense is an essential part of those evaluations. “As in other civil commitment settings, the stakes in these determinations are high. The debate is especially important in the context of sex offender commitments, because the consequences of the predictions are so severe. If predictions about future violence are too optimistic, sexual violence may result. Unduly pessimistic predictions result in unnecessary, prolonged deprivations of liberty. In addition, sex offender commitments entail treatment that is expensive and intrusive, while sexual violence is exceedingly destructive. Thus, both types of prediction errors are costly in many ways” (Janus & Meehl, 1997, p.34), so it is important to maximize the accuracy of sexual-recidivism predictions in SVP cases (Campbell & DeClue, 2010).

The most researched and most widely used instrument for sexual-recidivism risk assessment has been the Static-99. The instrument was revised in late 2009, and the developers now recommend the Static-99R for all purposes. To effectively use the Static-99R as an actuarial instrument, local norms are recommended, yet many SVP states currently have no local norms available.

The developers of Static-99R have presented apparently contradictory information about recommended use of the Static-99R in SVP cases when local norms are not available. First, the official website of the Static-99 (and related instruments), www.static99.org, organizes 22 studies into four groups and suggests that evaluators could pick one of those four groups as a comparison group when interpreting a Static-99R score in the absence of local norms. Which comparison group the evaluator chooses has a powerful impact on the risk assessment. The 5-year sexual-recidivism base rate varied from 0.0% to 24.7% for the 22 studies, and from 6.0% to 21.0% for the four comparison groups.

A January 2012 workbook posted at the official website describes one of the groups, the “Preselected for High-Risk/High-Needs Sample,” as including offenders “referred for services at forensic psychiatric facilities, such as offenders referred as Mentally Disordered Sex Offenders, Sexually Violent Predators” Reading that description, an evaluator might choose the “Preselected for High-Risk/High-Needs Sample” as the appropriate comparison group for anyone involved in SVP proceedings. In fact, though, no persons involved in any stage of any SVP proceedings were included in any of the six research samples that comprise the “Preselected for High-Risk/High-Needs Sample.”

An alternate, empirically defensible recommendation from the Static-99R developers is presented in Hanson, Lloyd, Helmus, and Thornton (2012): “It is important for evaluators and decision makers to also consider recidivism base rates when making judgments concerning the overall ‘riskiness’ of particular offenders” (p. 20) and “We recommend that evaluators presenting percentile ranks should consistently provide recidivism base rate information so that decision makers do not confuse the rarity of a score with estimates of absolute recidivism risk” (p. 9). These guidelines reflect the understanding that, in order to estimate absolute risk, an evaluator must know not only the person’s Static-99R score, but also the relevant base rate.

Although none of the 22 Static-99R studies at www.static99.org provide base rates relevant to SVP decision makers, several recent USA studies report relevant base rates. This poster includes a table of recent findings from California, Connecticut, Florida, Minnesota, Texas, and Washington, with sexual recidivism base rates varying from 0.8% to 25.2%. Results are organized to maximize the usefulness for SVP risk assessments. Such base rates provide crucial information for sexual-recidivism risk assessments in SVP cases.

Method

We obtained reports of findings by searching the Internet, using professional list serves, and directly contacting researchers and SVP programs.

Results and Conclusions

The www.static-99.org recommendation to use the High-Risk/High-Needs comparison group for people in SVP proceedings is not consistently supported by available research. See tables from www.static99.org (blue) and from this project (orange).

#References

Campbell, T. W., & DeClue, G. (2010). Maximizing predictive accuracy in sexually violent predator evaluations. *Open Access Journal of Forensic Psychology*, 2, 148-232.

Hanson, R. K., Lloyd, C. D., Helmus, L., and Thornton, D. (2012). Developing non-arbitrary metrics for risk communication: Percentile ranks for the Static-99/R and Static-2002/R sexual offender risk tools. *International Journal of Forensic Mental Health*, 11, 9-23.

Janus, E. S., & Meehl, P. E. (1997). Assessing the legal standard for prediction of dangerousness in sex offender commitment hearings. *Psychology, Public Policy, and Law*, 3(1), 33-64.

Notes

¹ Recidivism Among Sex Offenders in Connecticut, State of Connecticut Office of Policy and Management, 2/15/12. Accessed July 28, 2012 from <http://www.ct.gov/opm/cwp/view.asp?a=2976&q=383710>

² Boccacini, M. T., Murrie, D. C., Caperton, J. D., and Hawes, S. W. (2009). Field validity of the Static-99 and MnSOST-R among sex offenders evaluated for civil commitment as sexually violent predators. *Psychology, Public Policy, and Law*, 2009, 15, 278-314.

³ Barnoski, R. (2005). *Sex offender sentencing in Washington State: Recidivism rates*. Olympia: Washington State Institute for Public Policy, Document No. 05-08-1203.

⁴ Sex Offender Recidivism in Minnesota, April 2007. Minnesota Department of Corrections. Accessed July 28, 2012, from <http://www.doc.state.mn.us/documents/04-07SexOffenderReport-Recidivism.pdf>

⁵ Cheryl Milloy. (2007). *Six-year follow-up of 135 released sex offenders recommended for commitment under Washington’s sexually violent predator law, where no petition was filed*. Olympia: Washington State Institute for Public Policy, Document No. 07-06-1101. Accessed July 28, 2012, from www.wsipp.wa.gov/pub.asp?docid=07-06-1101

⁶ 11/23/09 Deposition of Jesus Padilla, Ph.D. in State of California v. Robert Tighe, Case No. MH100903; and 10/10/06 Memorandum from Jesus Padilla, Ph.D., to Public Defender Jim McEntee in State of CA v. Tighe, Case No. MH100903.

⁷ (Wilson, R.J., Looman, J., Abracen, J., & Pake, D.R. (in press). Comparing sexual offenders at the Regional Treatment Centre (Ontario) and the Florida Civil Commitment Center. *International Journal of Offender Therapy and Comparative Criminology*. Published online before print January 19, 2012, doi: 10.1177/0306624X11434918.

Sexual-Recidivism Base Rates Relevant to SVP Assessments

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Group	Observed 5-Year Sexual Recidivism Rate	Observed 10-Year Sexual Recidivism Rate
Routine	6.0	--
Preselected for Treatment	9.1	13.6
High-Risk/High Need	21.0	29.1
Non-Routine	14.8	20.4

Status	State	Observed Sexual Recidivism Rate	Length of Follow-up
Released from prison after serving a sentence for a sex offense	CT ¹	27/746 (3.6%) charged; 20/746 (2.7%) convicted	5 years
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	TX ²	2.0% (mandatory supervision); 5.5% (no mandatory supervision); 3.4% (all sex offenders)	5 years
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Screened by SVP/SDP program and referred for a face-to-face evaluation	WA ³	2.7%	5 years
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Screened by SVP/SDP program and referred for a face-to-face evaluation; PCL-R = 30 or higher	MN ⁴	12% arrested; 10% convicted	average of 8.4 years
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Screened by SVP/SDP program and referred for a face-to-face evaluation; after evaluation, evaluator recommended civil commitment	-----	-----	-----
	TX ²	0.8% (mandatory supervision); 7.5% (no mandatory supervision)	2.25 - 7.5 years (M = 4.77, SD = 1.52)
Found to meet SVP criteria – or – probable cause had been found – or – two evaluators had found the person to meet SVP criteria; then released without treatment	-----	-----	-----
	WA ⁵	34/135 (25.2%)	6 years
Civily committed as SVP/SDP	-----	-----	-----
	CA ⁶	6/93 (6.5%)	4.7 years
Civily committed as SVP/SDP; subsequently judicially released without completing SVP/SDP treatment program	-----	-----	-----
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Civily committed as SVP/SDP; subsequently judicially released after completing SVP/SDP treatment program	FL ⁷	1/31 (3.2%)	2.5 years