

Washington State Sex Offender Risk Level Classification(WSSORLC) Training

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Topics for Today

- ✓ Introductions
- ✓ Community Protection Act
- ✓ 2011 Legislation (SB 5204)
- ✓ Research
 - ✓ Recidivism
 - ✓ Risk Assessment
- ✓ WA State Sex Offender Risk Level Classification (WSSORLC)
 - ✓ Aggravation/Mitigation Language
- ✓ Cases
- ✓ ESRC Housekeeping
 - ✓ Location, Meeting Dates, Rules of Order

Why are we here?

Community Protection Act (CPA)

- 1990
- Comprehensive registration program for adult and juvenile sexual offenders.
- First state to have Community Notification (registration implemented in CA in 1940s)
- First state to create civil commitment for sexually violent predators
- Funds allotted for treatment
- Kidnapping offenses added in 1997
- End-of-Sentence Review Committee (ESRC)

Policy Changes to Registration and Community Notification Laws since 1990

- 1997: Legislature directs a more consistent statewide approach to community notification-ESRC Formalized
- RCW 72.09.345
- Purpose: “To classify those sex offenders risk to reoffend sexually in the community at large.”
- Rules of Order
- Multi-disciplinary Committee.
- RA facilitates the juvenile committee.
 - Initial leveling for juveniles releasing from RA facilities.
 - Law enforcement retains final authority.
 - Paperwork reviewed.
 - Inter-rater reliability & quality assurance.

Policy Changes to Registration and Community Notification Laws

- 2001: Transient and homeless offenders notification
- 2002: Statewide public registry website for level III's
- 2003: Level II's added to the public registry website
- 2005: School attendance added to registration requirements
 - Residency restrictions
- 2008: Out of compliance, level 1's on website.

Sex Offender Policy Board

- Established by legislature 2008
- Multi-disciplinary Board
- Legislative requests: 1) current WA sex offender/kidnapping laws and research; 2) Review other states laws and corresponding research; 3) Review journal articles and social science research; 4) national standards, including the Adam Walsh Act; 5) practitioner information regarding the laws and policies as applied; 6) case reviews (as needed).

What the SOPB Learned Related to Leveling and Assessment

- Differences between adults and juvenile who commit sex offenses.
- *Washington State Institute for Public Policy (WSIPP) 2008 report on risk assessments.
- Feedback from forums.
- Jose Reyes Case Review
- WASPC Model Policy
- Other state's practices.

*Risk Assessment Instruments to Predict Recidivism of Sex Offenders: Practices in Washington State

Other States

- Most states treat juveniles differently from adults in some way. Many states use a combination of methods that build discretion into juvenile registration, notification, and early termination.

Some states limit the types of offenses which make juveniles subject to registration. For example, in Louisiana only certain offenses, mainly aggravated and violent crimes, qualify them for registration. In Montana, only juveniles who are 14 and older and adjudicated of an offense which is equal or more severe than aggravated sexual abuse are subject to registration.

- Other states allow exemption from registration based on the commission of certain offenses such as age of consent crimes. For example, South Carolina exempts registration for a person whose offense resulted from consensual sexual conduct, provided the offender is eighteen years of age or less, or consensual sexual conduct between persons under sixteen years of age.
- Some, like Alaska, Maine, and Georgia, have no registration requirements unless convicted as an adult.
- Other states have chosen to treat juveniles differently by creating separate juvenile registries and announcing policy statements.

(Hinchcliffe, 2009)

Prior to 2011 Legislation

End-of-Sentence Review Committee	Law Enforcement
•Department of Corrections Releases	•Adults and juveniles retained at county level
•DSHS Releases-Eastern and Western State, Special Commitment Center, Indeterminate Sentence Review Board	•Adults and juveniles coming in from out-of-state with no supervision
•Interstate Compact-Adults	•Re-assessment throughout registration period.
•RA Releases-RA Facilitated Committee	•Final authority on level. RCW 4.24.550 Departure Notification to ESRC.

2011 Legislation (SSB 5204)

- 2011 Legislation added to ESRC Statute:
 - Juveniles following disposition, under the jurisdiction of a county juvenile court for a registerable sex offense; and juveniles found to have committed a sex offense and accepted from another state under a reciprocal agreement under the interstate compact for juveniles. (RCW 72.09.345).

Final authority is with law enforcement.

SSB 5204-Positive Policy Move

- Decisions moved to multi-disciplinary team.
- Members receive training in adolescent development, differences between adult and juvenile offending.
- Consistent process.
- Consistent tool.
- **Involvement and participation of county Juvenile Court staff.**
- Law Enforcement are committee members and retain final authority.

After 2011 Legislation

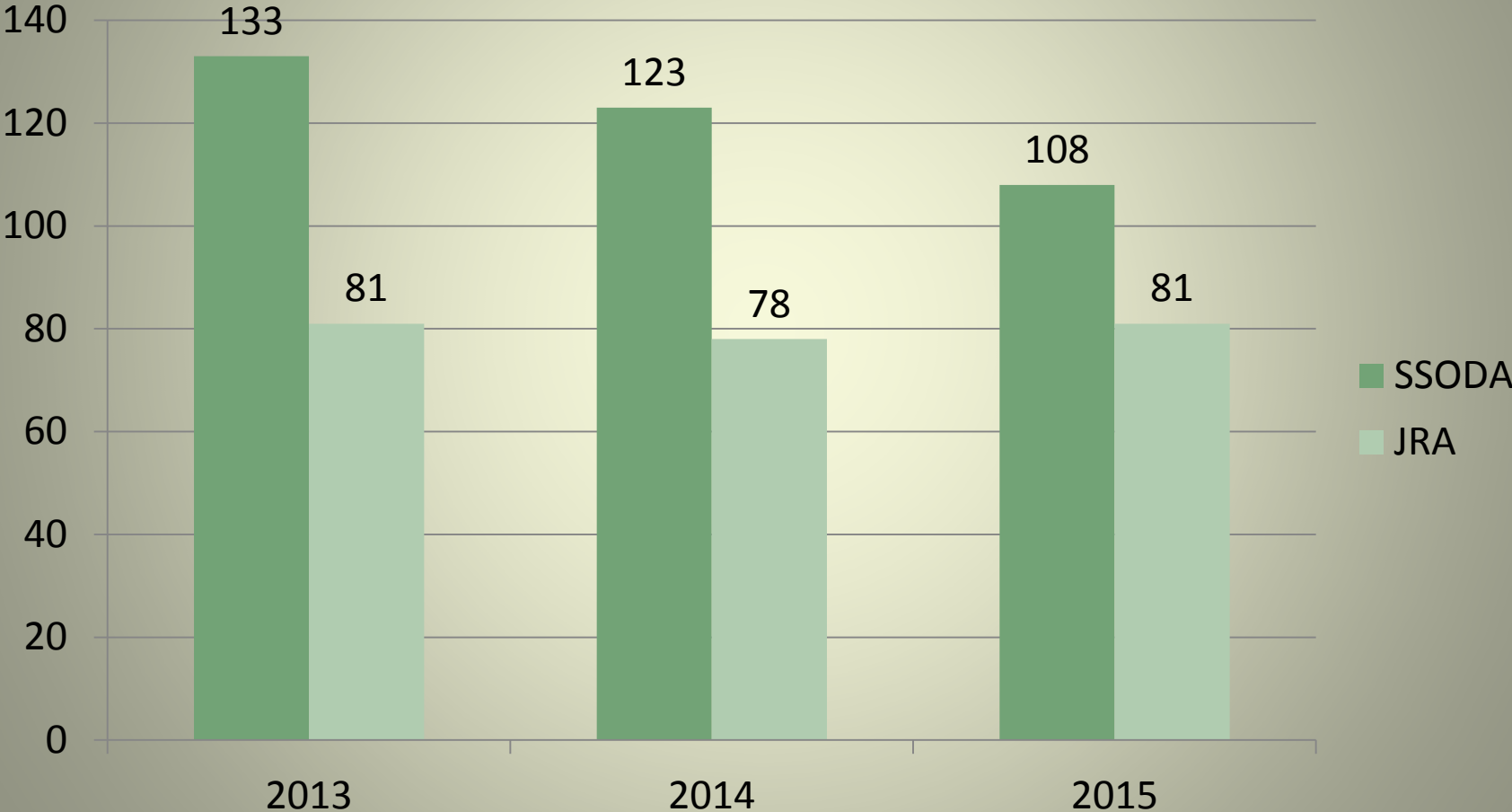
End-of-Sentence Review Committee	Law Enforcement
<ul style="list-style-type: none"> •Department of Corrections Releases 	<ul style="list-style-type: none"> •Adults retained at county level
<ul style="list-style-type: none"> •DSHS Releases-Eastern and Western State, Special Commitment Center, Indeterminate Sentence Review Board 	<ul style="list-style-type: none"> •Adults and juveniles coming in from out-of-state with no supervision
<ul style="list-style-type: none"> •Interstate Compact-Adults 	<ul style="list-style-type: none"> •Re-assessment throughout registration period.
<ul style="list-style-type: none"> •JRA Facilitated Committee <ul style="list-style-type: none"> -JRA Releases -Youth who receive SSODA or local sanctions or a registerable sex offense. -Youth who are from out-of-state on supervision. 	<ul style="list-style-type: none"> •Final authority on level. <p>RCW 4.24.550 Departure Notification to ESRC.</p>

National Characteristics of Juveniles who Commit Sex Offenses

- Mostly male, ages 13-17
- Females account for 8% of sexual offenses
- 20-50% Victims of Physical Abuse
- 40-80% Victims of Sexual Abuse
- 30-60% Suffer Learning Disabilities
- Females suffer at a much higher rate of both physical and sexual abuse
- 80% may suffer from other psychiatric disorders

Understanding Juvenile Sexual Offending Behavior: Emerging Research, Treatment Approaches and Management Practices 1999
Longo, R., Prescott, D. (2006). Current Perspectives: Working with Sexually Aggressive Youth & Youth with Sexual Behavior Problems.

WA State Juvenile Dispositions for Sex Offenses 2013-2015



Key Research Findings

Typologies

- Life-style Persistent-Antisocial (5%)
 - Conduct-disordered youth
- Adolescent Onset, non-paraphilic (90%)
 - Low social skills
- Early Adolescent Onset, Paraphilic (5%)
 - Emerging deviant interest

Hunter, John (2006). *Understanding Diversity in Juvenile Sexual Offenders: Implications for Assessment, Treatment , and Legal Management.*

Key Research Findings

- Hunter, 2006 (preliminary research):
 - Lifestyle Delinquent Youth: Demonstrate conduct problems early in life and continue to engage in delinquent and criminal behavior throughout adolescence and perhaps into adulthood, including sexually aggressive behavior toward peer and adult females.
 - Adolescent Onset, Non-Paraphilic Youth: The sex offending behaviors of these individuals tend to be directed toward prepubescent females and appear to be either experimental in nature or as compensation for deficits in social skills and self confidence.
 - Early Adolescent Onset, Paraphilic Juveniles: This group is believed to have emerging deviant sexual interests and arousal and many subsequently target both prepubescent males and females.
- Hunter, John (2006). Understanding Diversity in Juvenile Sexual Offenders: Implications for Assessment, Treatment , and Legal Management.
- Hunter, John (2008). Dissecting the Myths: Understanding Juvenile Sex Offenders. SMART Symposium presentation.

Research Related to Juveniles who Commit Sex Offenses

- Juveniles Differ from Adults:
 - Less extreme forms of sexual aggression, fantasy and compulsivity.
 - Offense characteristics may not reflect sexual preference. Identity still being formed through experimentation and education.
 - Families/caregivers more responsive to treatment.
 - Risk Assessment: Must consider developmental, social and contextual circumstances. Most research based on male adolescents.

ATSA Board of Directors (2000). The Effective Legal Management of Juvenile Sexual Offenders.

Thakker, J., Ward, T., Tidmarsh, P. A Reevaluation of Relapse Prevention with Adolescents Who Sexually Offend, A Good-Lives Model.

More Research

- Adults and Juveniles who Commit Sex Offenses-Similarities
 - Under-detected, under-apprehended
 - Often target familiar persons
 - Harm to victims
 - Self management, problem-solving skills deficits

More Research

- Recidivism
 - Sexual Recidivism is low, 3-14%, non-sexual recidivism is higher.
 - Meta-analysis, treated juveniles 12.53% sexual recidivism.
 - WSIPP
 - 98 Study, 10% (6 year follow-up. Misd. & Felonies)
 - 08 Study, 9% (5 year follow-up, Misd. & Felonies)

Reitzel, L., Carbonell, J. (2006). The Effectiveness of Sexual Offender Treatment as Measured by Recidivism.

WSIPP. (1998). Sex Offenses in WA State: 1998 Update. Document No. 98-08-1101.

R. Barnowski. (2008). Assessing the Risk of Juvenile Sex Offenders Using the Intensive Parole Sex Offender Domain. Olympia: WSIPP, Document No. 08-05-1101.

Juvenile Sexual Re-offense Risk Factors

EMPIRICALLY SUPPORTED RISK FACTORS:

Deviant Sexual Interest.
Prior criminal sanctions for sexual offending.
Sexual offending against more than one victim.
Sexual offending against a stranger victim.
Social isolation.
Uncompleted offense-specific treatment.

Worling and Langstrom (2006).

RISK FACTORS WITH LIMITED EMPIRICAL SUPPORT (Possible Risk Factors):

Problematic parent-adolescent relationships.
Attitudes supportive of sexual offending.
High-stress family environment.
Impulsivity.
Antisocial interpersonal orientation.
Interpersonal aggression.
Negative peer associations.
Sexual preoccupation.
Sexual offending against a male victim (Males Only).
Sexual offending against a child.
Threats, violence, or weapons in sexual offense.
Environment supporting reoffending.

More Research

- Current Status of Risk Assessment for Juveniles
 - Controversial
 - Types, Clinical & Actuarial (1st, 2nd 3rd & 4th generation)
 - ERASOR, JSOAP, JSORRAT
 - Juveniles change, “moving targets.”
 - Re-assessments of risk for juveniles should be completed every 6 months to 1 year.
 - Exclusive focus on risk, can lead professionals away from other important aspects of the youth’s functioning.

Prescott, David, (2006), Risk Assessment of Youth who Have Sexually Abused.

Most Common Juvenile Risk Assessment Tools

- Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR) & Juvenile Sex Offender Assessment Protocol-II (JSOAP)
 - Designed for clinical assessment
 - Requires Clinical Interview
 - No cut-off scores
 - Static and dynamic risk factors
 - Mixed outcomes

Juvenile Risk Assessments

- Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT)
 - Only Actuarial Assessment for juveniles.
 - Only available for research sites (Iowa, Utah, CA, GA).
 - Only static risk factors.
- Risk Assessment for SSODA vs. Risk Level Classification

Adult Risk Assessment Tool-ESRC and Law Enforcement

- Static-99

Authors do not recommend its use with juveniles*.

According to Harris & Hanson(2003),

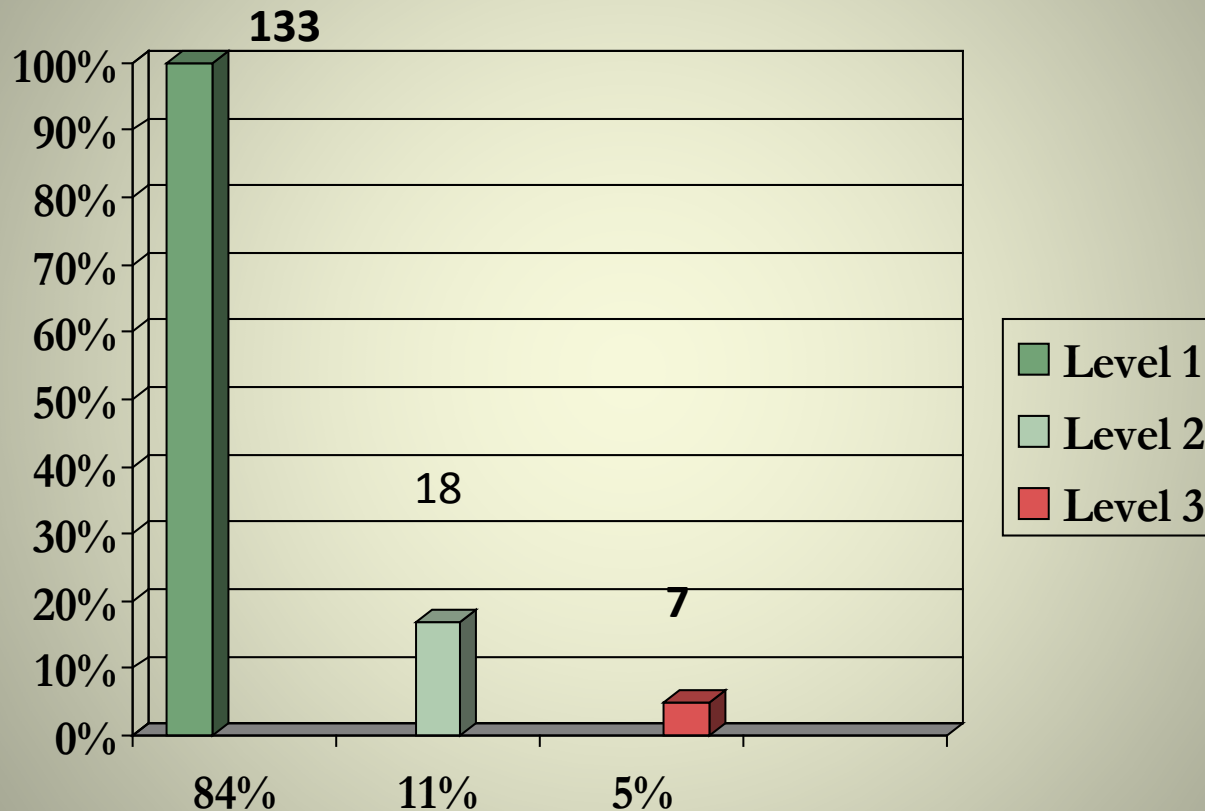
Evaluations of juveniles based on the STATIC-99 must be interpreted with caution as there is a very real theoretical question about whether juvenile sexual offending is the same phenomena as adult sex offending in terms of its underlying dynamics and our ability to affect change in the individual. In general, the research literature leads us to believe that adolescent sexual offenders are not necessarily younger versions of adult sex offenders...we do not recommend the use of the STATIC-99 nor any other actuarial instruments developed on samples of adult offenders.

* May be of some limited utility in with male youth 16-17 with offenses that appear “adult in nature” (sexual assault of child, preferential rape type activities).

Current Status of Risk Assessment in WA State for Juveniles

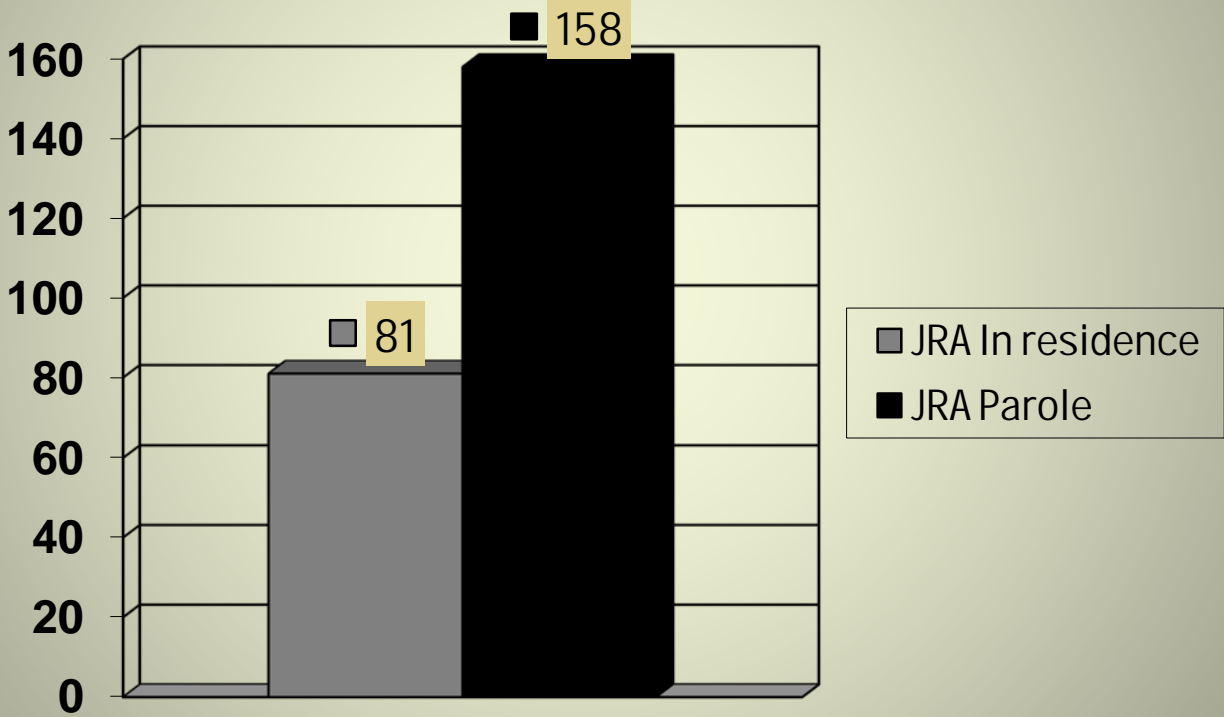
- WA State Sex Offender Risk Level Classification Tool (WSSORLC)
 - Developed from the Minnesota Sex Offender Screening Tool
 - WA State added notification considerations.
 - Do not score the RRASOR on juveniles.
- Preliminary review of tool:
 - Releases between July 1, 2004-June 30, 2006
 - Felony sexual recidivism rates: Level 1 -3.3%, Level 2 -3.6 %, Level 3-9.5%
 - Length of follow-up: 36 months
- Automated tool in our computer system. Recommend that a more in depth analysis be done when enough cases have been scored.

*Community Notification Levels for RA Snapshot-June 2016



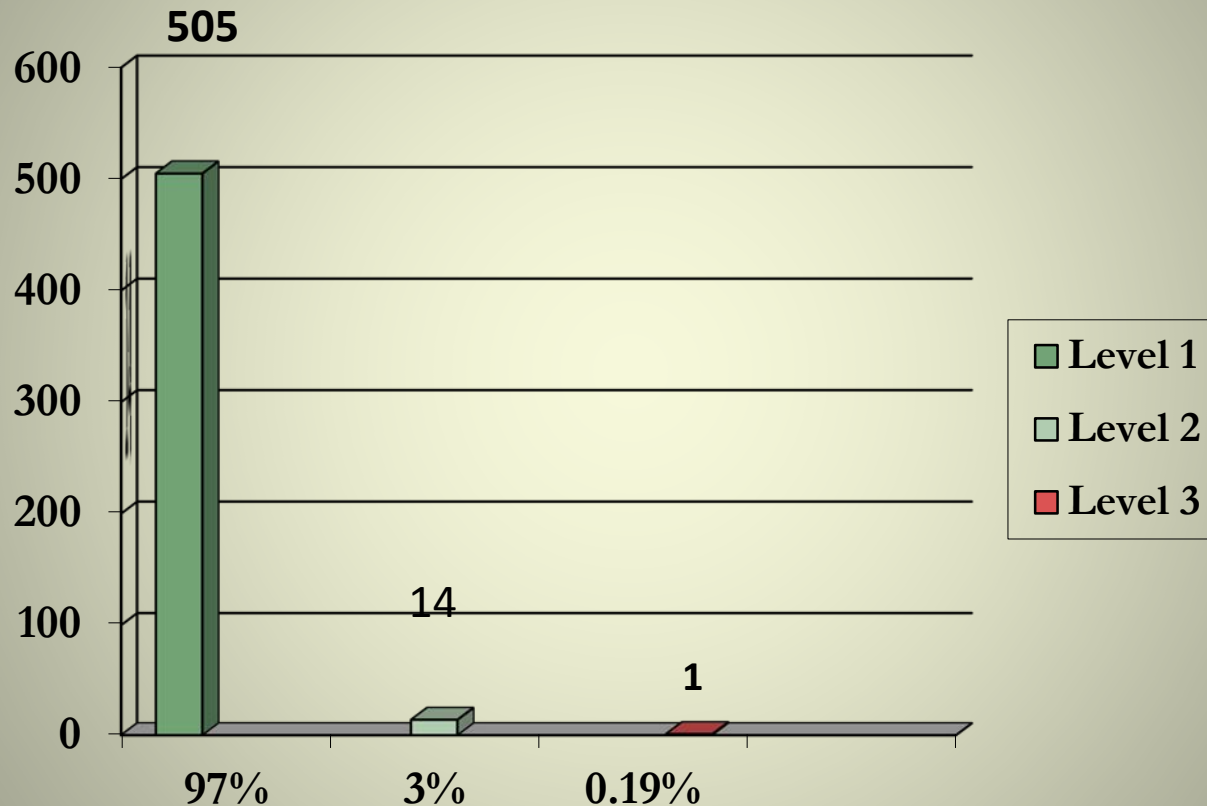
*Law enforcement has final authority on community notification level.
Data from JRA Automated Client Tracking Database

Current YSO Population in RA Care



Data taken from Automated Client Tracking System 05/2017

*Community Notification Levels for Juvenile Court Youth, to date



*Law enforcement has final authority on community notification level.
Data from RA ESRC Subcommittee Database. 11-2011 to 5-2017

Offender Watch

- Juvenile ESRC LEN and supporting documentation sent to Law Enforcement in Offender Watch, started 7-01-2013.
- Includes youth releasing from JRA Commitment to parole and no parole.
- Also being used to notify Law Enforcement of ESRC Risk Level Recommendations on Interstate Compact youth and Juvenile Court supervised youth.

Scoring the WA State Sex Offender Risk Level Classification (WSSORLC) Tool

- Ensure you have collateral documentation to support scoring.
- Includes both static and dynamic risk factors.
- Two different versions of Tools
 - Youth coming out of institutional setting (RA Youth)
 - SSODA/Local Sanction Youth

#1) Number of Sex Related Convictions:

- Each count is a conviction
- Any felony offense with a sexual motivation charged must be documented in disposition order to be counted as sex related conviction.

Example: A youth charged with Rape of a Child 1 (2 counts) and Child Molestation 1 would be scored.... d) Three or more

Example: A youth was charged with 2 counts of Rape 1 and 1 count of Rape 2. Youth plea's to 1 count of Rape 1, you would score...b) One

#2) Number of Felony Convictions

- Do not count sex related convictions.
- It must be a conviction. Being charged does not count as a conviction.
- Conviction must be a felony

#3) Other Sex Related Arrest or Charges NOT Resulting in Conviction

- Count any time a youth was arrested or charged but was not convicted.
- Arrest or charges must be for a different victim than the adjudicated victim.

#4) Age of first sex/sex related Conviction or Adjudication

- Only use the age when Convicted, not the age of the offender during the offense.
- Always going to score 4 points for Juveniles.

#5) Use or Threat of a Weapon in Sex Related Convictions

- Hands are not considered weapons
- Threat to kill a victim if they don't comply can not be counted unless offender mentions specific weapons he/she will use
- Just knowing that an offender possess guns in the home does not count.

#6) Use of force in Sex related Convictions

- Holding the victim down?
- Threats to third parties?
- Substantial/great bodily harm: Usually scored if there is documented medical reports of Victim's injuries from hospital, police reports...
- STD's are not scored.

#7) Total number of Victims of All Sex related offenses

- Can count any offense. (Self Report)
- Youth does not have to be charged or convicted
- Cannot count any victim in offense prior to age of culpability unless convicted before 12 years old for offense.
- If convicted for an offense prior to 12 years old, you can only count the victim of the adjudication.

#8) Age of Victims of Sex/Sex Related Offenses:

- Cannot count any victims ages if offender was under 12 years old during offense, unless Adjudicated.
- Can use offender self report

#9) Other characteristics of all offenses:

- Duration of offense has to be for a single incident.
- Transported to another location? We do not count this if the offender took a victim to another room in the house.

#10) Length of Sexual Offending History:

- We can count self-report if offense was after age of culpability.
- Can only count prior to age of 12 years old if adjudicated.

#11) Felony committed upon previous release from Institution/Secure facility:

- Can count any felony (sex related or not).
- Felony has to result in pending charges or conviction.

#12) Alcohol/Drug use pattern

- Can only go back 12 months prior to offense
- Can use self-report
 - Cautionary discretion when considering self-report
 - Use additional information when available

#13) Prior Sex Offender Treatment/programming:

- Has to be treatment prior to the offense.
- Youth is on SODDA but gets revoked – does not count. (unless a new sex offense)
 - Could the offender's behavior leading to revocation be charged as a sex offense?
- Can score even if youth received some form of sex offender treatment prior to age 12. (Sexually aggressive Youth Treatment)
- Cannot score if youth was in counseling but uncertain for what type of counseling.

#14) Number of Significant/Marital relationships:

- You will always score....a) Zero points

#15b.) Early School History Pattern

- Remember, you can only count grades K-6.
- You can score if documented in diagnostic reports, evaluations, school records.....
- 1 suspension would score zero points.

#16) Presence of Multiple Paraphilias:

- Needs to be documented Diagnosis.
(psychologist, PHD level)
- Personality disorders are not counted as paraphilias.
- This is not scored for offenders under the age of 16.
- Do not score rule outs

#17) Release Environment

(Current Status)

- Always score zero if youth will be living under DCFS care or in group home facility.
- Parents attitude towards offense/supervision plan?
- Homeless?
- Gang involved youth?

#18) Age of release

- Always will be scored.... c) 4 points
- For SSODA/Local Sanction youth go by date of disposition if offender was never in custody.

#19) Discipline History While Incarcerated:

- Must be documented through incident reports.
- Only go back 6 months prior to scoring.
- Score all major infractions, not just sexual related infractions.
- Different facilities interpret infractions differently?
- Are there documented consequences for Infraction?

#20) Chemical Dependency Treatment (current status or most recent term of incarceration):

- Is there documentation or referral made?
- Offender is in groups but is not participating?

#21) Sex Offender Treatment (current status or most recent term of incarceration):

- Denying offense?
- In group but not making good progress?

Part II. Notification considerations:

A.

- Always score “yes” if victim was 5 years old or younger and was not related to offender.
- Must be documented if victim was incapable to resist due to mental/physical disability.

(alcohol)?

- What classifies as “physical/mental disability?”
 - ESRC looks at whether the victim was able to report the crime if there are no physical disabilities

Notification Considerations

B.

- Must be a conviction
- Predatory nature? Use statutory definition.
- Known offender? 24 hour rule.
- Position of community trust?
- Babysitting? Offender must be soliciting babysitting jobs to gain access to victim for purpose of victimization in order to be counted as predatory.

Notification Consideration C.

- Consensual sexual behavior?
- Masturbating? Only if intention was for other residents/staff to see for purpose of offender sexual gratification.
- Sexual Pictures found in offenders cell?

(Does the behavior link to youth offense cycle?)

Aggravation/Mitigation Language

SPECIAL CONSIDERATIONS FOR POSSIBLE AGGRAVATION AND MITIGATION FOR JRA'S RISK LEVEL CLASSIFICATION

The following are examples of aggravating and mitigating factors not otherwise captured by the actuarial risk instruments, which may increase or decrease the risk the offender poses to the community at large:

Aggravating factors:

- Statements of intent/threat to sexually re-offend
- Past interventions and/or treatment have not deterred sexually deviant behavior
- Pattern of behavior that increases risk for sexual re-offense
 - inability to control impulses
 - repeated pattern of placing self in high risk situations and/or locations in order to gain access to individuals of similar age/circumstance as prior sex offense victims
 - deviant sexual preoccupation/acting out during incarceration
- Documented information that increases risk for sexual re-offense
- Relationship with sex offense victim(s) was established or promoted for the primary purpose of victimization
- Offender used a position of community trust (e.g. coach, teacher, group leader, clergy, or police officer) to gain access to sex offense victim(s)

Considerations Continued

Mitigating factors:

- Familial or known sex offense victim(s)
- Current offense is not sexual in nature
- Previously released or classified as Risk Level I
- 24-hour supervised placement
- Disability or terminal illness that decreases ability to sexually re-offend
- Non-contact sex offense (e.g. possession of pornographic depictions)
- Sexual offending appears opportunistic in nature

Additional factors considered by RA:

- 24 months of parole supervision.
- Understands risk factors (vulnerabilities) and risk management strategies (protective factors).
- Support services through other DSHS Administrations (DDD, CA) to include housing and treatment.

ESRC Housekeeping

- Send Packets of Cases to Jedd Pelander, 2 weeks prior to committee.
- Electronic information is created for committee members.
- Presentation of cases.
- Notification to law enforcement and county about recommended level via Offender Watch.

ESRC Housekeeping

- Where: Lacey and Tacoma, Juvenile Rehabilitation Parole Offices
- When: 2nd & 4th Thursday of the month
- Time: 9:00am - 4:00pm

Resources

- RCW 72.09.345 End-of-Sentence Review Committee Statute
- Sex Offender Policy Board Reports
www.ofm.wa.gov/sgc/
- WA Association of Sheriff's and Police Chiefs
www.waspc.org Model Policy for Law Enforcement

Trainer Contact Information

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