

# Sex Offender Risk Assessment

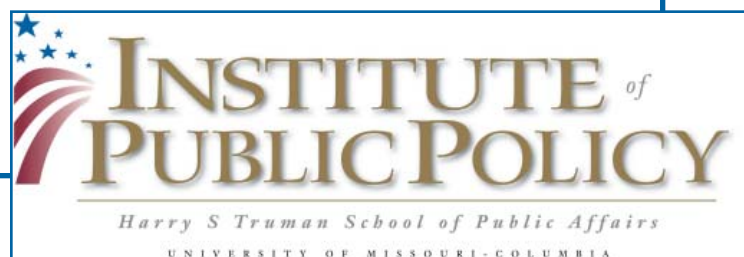
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## Executive Summary

Compared to clinical methods, actuarial risk instruments are a preferred method to discern sex offenders risk for sexual as well as violent recidivism because, unlike clinical practices, they are considered inexpensive, objective and modestly accurate. Scientists argue that risk instruments that employ only static, or historic measures of offender characteristics, rather than dynamic, are certainly sufficient for the purposes of gauging individuals' likelihood of recidivism. In fact, Harris and Rice (2003:207) contend that dynamic constructs are "unnecessary for anticipating who will recidivate in a given time period"; furthermore they state that "very accurate statements about the likelihood of another...offense can be based upon knowledge of an individual's lifetime conduct." In their view, offender risk scales that incorporate only static information are essentially capturing factors that reflect a person's underlying antisocial propensity.

Although there are a considerable number of risk instruments available for corrections officials to utilize, far fewer have been rigorously evaluated. Of those that have, Harris and Rice (2003) recommend that the MnSOST-R and the Static-99 are two of the most "promising" scales for predicting sexual recidivism. An emerging body of work also suggests that the SORAG is quite effectual in terms of its predictive accuracy. Additional empirical research is likely to surface which will provide further evidence of the statistical accuracy of sex offender risk instruments.

## Introduction

Over the past two decades, the number of persons incarcerated for sexual offenses has increased dramatically. Since 1980, the number of inmates incarcerated for sexual offenses has increased about 7.6% each year (Finn, 1997). In fact, the imprisonment rate for sex offenders has grown faster than for any other crime, and sex crimes are more likely to result in a prison sentence (Greenfeld, 1997). In 2000, 84% of individuals convicted of sexual assault in state courts were sentenced to prison and received a minimum sentence of 87 months (Durose & Langan, 2003). In addition, sex offenders serve a larger proportion of their sentence when compared with other offenders. On average, felony sexual assault offenders serve 64% of their sentences and spend 69 months in prison, while violent felony offenders serve 62% of their sentence totaling 56 months (Durose & Langan, 2003).

The dramatic rise in imprisonment has affected all categories of offenders; however, changes in the philosophies of the criminal justice system have virtually separated the sexual offender from every other type of criminal (Edwards & Hensley, 2001). Legislation mandating sex offender registration, community notification, DNA collection, and civil commitment are predicated on increased concerns over the dangerousness of sexual offenders (Sample & Bray, 2003). As such, sex offenders present unique challenges for institutional management and community corrections. There has been a call for improved research on effective sex offender treatment and management programs because the vast majority of offenders will be returned to the community (English, Pullen, & Jones, 1997). The following section details a number of risk instruments that



have been developed to better predict risk for the sex offender population.

### **Risk Classification**

Risk assessments have played an important role in the criminal justice system. Criminal risk assessments have been most often used as an aid in the estimation of an individual's likelihood of recidivism. Sex offender actuarial risk assessment was initially conducted using instruments developed for the prediction of general criminal recidivism; however, these instruments were not an effective tool for predicting violent criminal recidivism in general (Harris, Rice, & Quinsey, 1993) and sexual recidivism in specific (Hanson & Bussiere, 1996). More recently, risk assessments were developed specifically for sexual offenders, and have been used as criterion for sentence enhancement, institutional placement, post-sentence detention, and community notification.

When deciding on appropriate punishments, as well as specific sanction requirements for convicted sex offenders, a key concern of criminal justice officials is to determine offenders' probability, or risk, of committing another sex crime. Officials commonly utilize either clinical or actuarial strategies to obtain an accurate and objective indicator of recidivism risk.

### *Clinical Risk Assessment*

In the clinical approach, officials conduct personal interviews with offenders in order to learn detailed information about their childhood behavior, personal victimizations, their relationships with family and various details regarding their sexual preferences (Stalans 2004). Clinical assessments are, in many cases, loosely constructed and often involve open-ended discussion intended to elicit information from the interviewee. This clinical method is a useful tool to learn important details about offenders' personal circumstances; however it has been criticized in the literature for being costly and time consuming. Moreover, much research suggests that the clinical approach is subjective, as well as inconsistent, and is therefore ineffective in establishing a sex offender's risk for future sexual offending (see Hanson 2000, Harris and Rice 2003).

### *Actuarial Risk Assessment*

Due to the shortcomings of clinical methods, corrections officials generally utilize empirically guided actuarial

techniques as an alternative means to assess risk for recidivism (e.g, Janus and Prentky 2002, Stalans 2004). Sex offender specific risk assessment instruments are a frequently employed form of actuarial tool. The potential for subjectivity and inconsistency innate to clinical techniques is avoided because the mechanics of these instruments rely on objective measures of each offender's personal characteristics and prior behaviors. Furthermore, the observations recorded on these instruments are typically justified according to a statistical understanding of the probabilistic relationship between the given factor(s) and the outcome of interest (i.e., sex offending). The array of factors on these types of instruments is combined and a quantitative score is generated, which is scaled to indicate the likelihood that an offender will commit another sex crime.

A large majority of the currently used sex offender risk instruments are designed solely to gather information on static factors, or those features of an individual's social experience that are unchangeable and an ample collection of research reports provides consistent evidence regarding the efficacy of several static instruments. It is important to point out, however, that in recent years the number of available static instruments has radically multiplied (Barbaree, Seto, Langton, and Peacock 2001) and most have not yet been empirically validated.

According to Hanson (2000:5) actuarial "scales based on static items can be used to assess long term recidivism potential, but cannot be used to identify treatment needs, evaluate change [in an offender's risk], or predict timing of reoffense." Only a small number of instruments have been developed to consider mutable social circumstances, or dynamic factors. These standardized instruments are designed expressly to capture dynamic factors, via subjective as well as objective means, of sex offenders' evolving personal circumstances such as marriage, employment, sexual tendencies and treatment status. Compared to static instruments, the scientific literature surrounding the accuracy of instruments that implement dynamic measures is quite sparse. Due to the paucity in empirical evidence pertaining to the few existing dynamic actuarial scales, their merit for determining changing levels of risk for recidivism has not yet been established.

Risk Assessment Instruments

In the following paragraphs, we describe five of the most frequently used and evaluated actuarial risk instruments: The Rapid Risk Assessment for Sex Offense Recidivism (RRASOR); the risk classification instrument developed



by the Virginia Sentencing Commission; the Minnesota Sex Offender Screening Tool (MnSOST) and a revision (MnSORT-R); Static-99; and the Violence Risk Appraisal Guide (VRAG) and Sexual Offender Violence Risk Appraisal Guide (SOVRAG). In addition, we detail findings deduced in scientific studies (conducted by researchers who are not the developers of these instruments) focused on discerning their predictive accuracy.

#### *RRASOR*

As a result of many years of analyses of sex offender recidivism, Hanson (1997) created the Rapid Risk Assessment for Sex Offense Recidivism (RRASOR). This scale was developed to be used by practitioners to screen offenders into relative risk levels and includes measures of criminal history, age at release, gender of victim, and victim offender relationship. On average, the RRASOR was correlated at 0.27 with sexual recidivism; a significant improvement over past instruments that had an average correlation of 0.10 (Epperson, Kaul, & Hesselton, 1999). More recently, the predictive validity of the RRASOR instrument has been replicated (Barbaree, Seto, Langton, & Peacock, 2001; Dempster & Hart, 2002). It is important to note that the scale was not developed as a comprehensive analysis of all factors associated with recidivism. Instead, it was to be used to screen sexual offenders on relative risk for use in correctional placement. Hanson (1997) recommends that this instrument be used in conjunction with other information but it should be adjusted by the consideration of other factors like treatment compliance.

A description of the elements included in the RRASOR, including the established point value of each factor appears below. The RRASOR has four items including number of prior charges or convictions for sexual offenses, age upon release from prison, male victims, and unrelated victims. Total scores can range from 0 to 6 with three of the four factors given equal weight. Based on his analyses of sexual recidivism, Hanson (1997) felt that only prior offense history warranted a variation in scale weight.

Hanson (1997) used the total score RRASOR to assess the likelihood of a new sexual arrest, conviction, or imprisonment five and ten years following release from prison. He found that those with a score of zero had a recidivism rate of 4.4% after 5 years and a 6.5% after 10 years. In contrast, individuals with a score of 5 had a recidivism rate of 50% at 5 years and 73% after 10 years. As noted, the RRASOR was developed as

Table 1. Prior Sex Offense Convictions

<i>Characteristic</i>	<i>RRASOR score</i>
0	0
1	1
2	2
3+	3

Table 2. Victim Gender

<i>Characteristic</i>	<i>RRASOR score</i>
Only female victims	0
Only male victims	1

Table 3. Relationship to Victim

<i>Characteristic</i>	<i>RRASOR score</i>
Only related victims	0
Any unrelated victim	1

Table 4. Age at Release

<i>Characteristic</i>	<i>RRASOR score</i>
25 or more years	0
18 to 24.99 years	1

a risk assessment to be used by practitioners to assess the relative risk of an offender. This instrument was designed based on ease of use, and did not include a comprehensive examination of all factors associated with sexual recidivism.

#### *Virginia Sentencing Commission*

The Virginia Sentencing Commission has developed a risk classification instrument designed to estimate re-offense risk.<sup>1</sup> This assessment tool is different from that of the RRASOR score in that it was designed to be utilized as part of the state's sentencing guideline system (Kern, 2001). The risk assessment instrument was developed through an extensive, long-term analysis of patterns of sex offender recidivism among 600 convicted and sentenced sexual offenders. Recidivism for this sample was measured at five and eight year intervals.

Based on the analysis of recidivism among the study sample, the commission identified nine central predictors including: offender age, prior person/sex arrests, offender relationship and victim age, employment status, offense location, prior



sex offender treatment, prior incarcerations, education, and nature of the sex offense. A description of the elements included in the risk assessment, including the established point value of each factor appears below. Point values were established based on the relative predictive power of that factor in relationship to the likelihood of re-arrest for a personal crime. For example, individuals who were under the age of 35 at the time of arrest were substantially more likely to recidivate when compared with those offenders who were between the ages of 35 to 45 or over the age of 46 at the time of the arrest; hence, those individuals under the age of 35 are given a higher point value than those of other ages.

As discussed, the Virginia Risk Assessment instrument was developed based on an extensive analysis of factors associated with recidivism risk. The population was then divided into four groups based on recidivism risk. Offenders with scores between 18 and 27 had the lowest recidivism rate at 17%. Kern (2001) found that recidivism rate increased dramatically for offenders with a score above 27. Forty-one percent of offenders with a

Table 5. Offender's Age at Time of Offense

<i>Characteristic</i>	<i>Points</i>
Younger than 35 years	12
35 to 45 years	4
Older than 46 years	0

Table 6. Education

<i>Characteristic</i>	<i>Points</i>
9th grade education or less	4
More than 9th grade education	0

Table 7. Employment Status

<i>Characteristic</i>	<i>Points</i>
No regular employment	5
Regular employment	0

Table 8. Victim Offender Relationship

<i>Victim Offender Relationship by Age Group</i>	<i>Points</i>
<i>Victims under 10</i>	
Relative	0
Known to victim (not relative or step-parent)	4
Stranger	4
Step-parent	9
<i>Victims age 10 or older</i>	
Relative	2
Known to victim (not relative or step-parent)	3
Stranger	8
Step-parent	2

Table 9. Aggravated Sexual Battery

<i>Characteristic</i>	<i>Points</i>
No penetration or attempted penetration of victim	0
Penetration or attempted penetration of victim	4

Table 10. Location of Offense

<i>Characteristic</i>	<i>Points</i>
Offender's residence	9
Shared victim/offender residence	3
Victim's residence	5
Location other than listed	3
Outdoors	3
Motor vehicle	4
Place of employment	0





Table 11. Prior Adult Felony/Misdemeanor Arrests for Crimes Against Person

<i>Characteristic</i>	<i>Points</i>
<i>0 felonies</i>	
0 misdemeanors	0
1–3 misdemeanors	1
4+ misdemeanors	8
<i>1 felony</i>	
0–2 misdemeanors	5
3+ misdemeanors	8
<i>2+ felonies</i>	
0–3 misdemeanors	8
4+ misdemeanors	15

Table 12. Incarceration History

<i>Characteristic</i>	<i>Points</i>
Prior incarceration	3
No prior incarceration	0

Table 13. Prior Treatment

<i>Characteristic</i>	<i>Points</i>
No prior treatment	4
Prior alcohol or other drug treatment	3
Prior mental health treatment	2
Prior mental health commitment	0

score of 28–33, 66% of offenders with a score of 34–38, and 83% of offenders with a score of 39–43 have an arrest for a new personal offense prior to the instant offense. Kern (2001) also found that those with higher scores were more likely to be rearrested for a felony and were more likely to recidivate early.

The risk classification scores were then used by the commission to develop sentencing guidelines. Based on the characteristics of the offender and the circumstances of the offense, the commission developed risk classification levels that have been significantly associated with sex offender recidivism. The risk classifications can then be used to increase the upper end of the recommended sentence range. Those with a score below 27 do not receive a sentence adjustment. Offenders in risk level three can be given a 50%

adjustment in the maximum sentence, individuals in risk level two can receive a 100% adjustment, and offenders in level one are eligible for a 300% increase in the maximum sentence.

#### *MnSOST and MnSOST–R*

In response to the state of Minnesota's demands for a more formal and uniform process to identify violent sex offenders (Epperson et al. 2003:7), a team of academic researchers developed the Minnesota Sex Offender Screening Tool (MnSOST) in conjunction with the Minnesota Department of Corrections. The MnSOST is composed of 21 survey items addressing sexual and nonsexual offense history, substance abuse history and treatment compliance among extrafamilial sex offenders. Recently a revised version of the MnSOST was developed, deemed the MnSOST–R. It includes 16 items, 12 of which reflect historical data and four pertain to institutional information (Barbaree et al. 2001).

The historical items include:

1. number of sex/sex related victims;
2. length of sexual offending history;
3. offender under supervision at the time of the arrest for sex offense;
4. any sexual offense committed in a public place;
5. force or threat of force used in any sexual offense;
6. any sexual offense within a single incident that involved multiple acts perpetrated on a single victim;
7. number of different age groups victimized across all sexual offenses;
8. victim aged 13 to 15 years and offender 5 or more years older;
9. victim was stranger in any sexual offense;
10. adolescent antisocial behavior;
11. substantial drug or alcohol abuse in year prior to arrest; and
12. employment history.

The institutional items included on the MnSOST–R are as follows:

1. discipline history while incarcerated;
2. involvement in substance use treatment;
3. involvement in sex offender treatment; and
4. age at time of release.



Each factor is weighted based on the statistical association between them and the outcome (i.e., sexual offense), which was established based on empirical tests using the developmental sample (Barbaree et al. 2001:501). Scores on the MnSOST–R range from a negative 14 to a positive 30 and offenders can be designated to one of six risk categories according to their score.

Recent assessments of the accuracy of the MnSOST–R suggest that it has a moderately high level of prediction strength (e.g., Hanson 2000), due largely to its consideration of institutional factors. For example, Epperson et al. (1998) report that for sexual recidivism, the MnSOST–R produced an AUC scores of .77 in the development sample of offenders. In a follow-up study with a separate sample, the MnSOST–R resulted in a similar score of .73. Both AUC scores suggest that the MnSOST–R is a reliable and valid tool to predict recidivism among sex offenders.<sup>2</sup> However, it is important to mention the MnSOST–R’s predictive ability is limited because it incorporates institutional items. As a result, the instrument is only useful for predicting recidivism risk for sex offenders who have been incarcerated previously. In terms of other limitations, studies also report that the process of correctly scoring offenders on the MnSOST–R is quite arduous (Barbaree et al. 2001). It demands chronological information about offenders that is often difficult for corrections officials to locate in a short period of time.

State corrections agencies, including Minnesota, implement the MnSOST–R in sexual predator civil commitment proceedings. Offenders who are soon-to-be-released from prison are administered the instrument to determine the likelihood that they will commit future acts of sexual violence in the future once in free society. The MnSOST–R score is incorporated as part of the offender’s profile to be used in court hearings that determine whether they should be involuntarily committed to residential post-release treatment. The design of the MnSOST–R suggests that it can also be a useful tool for determining sentencing options; however, other states have not adopted MnSORT–R for the assessment of risk at sentencing or other phases of the criminal justice process. It is also used in evaluation research; for instance in certain counties in Illinois, corrections officials use the tool in process evaluation assessments of the sex offenders who are under the direction of county based specialized sex offender probation programs.

### *Static–99*

The Static–99 was developed by a Canadian research team in 1999 as an objective actuarial tool to be used to determine convicted sex offenders future risk for committing sex crimes as well as violent non-sexual offenses (Hanson and Thornton 2000). It incorporates measures from the Structured Anchored Clinical Judgment-Minimum Version (SACJ-MIN) and the Rapid Risk Assessment of Sex Offense Recidivism instrument (RRASOR), each of which are previously developed tools for assessing sex offenders’ risk for recidivism. The Static–99 is designed to be used explicitly with adult male offenders who have been convicted of a sex offense wherein direct contact occurred between them and an identifiable victim (Austin, Peyton and Johnson 2003). Therefore, individuals who have been convicted of prostitution, pimping, public indecent exposure and illicit pornography viewing as well as related charges should not be assessed via this instrument. The developers of the Static–99 maintain that it can be employed to evaluate risk for first-time and repeat offenders (Harris, Phenix, Hanson, and Thornton 2003).

Ten separate static factors compose the Static–99. Offenders are scored through a case-file review process. These items include:

1. Official Sex Offense History;
2. Prior Sentencing Dates;
3. Any Convictions for Non-Sex Offenses;
4. Index Non-Sexual Violence;
5. Prior Non-Sexual Violence;
6. Any Unrelated Victims;
7. Any Stranger Victims;
8. Any Male Victims;
9. Young; and
10. Single.

Total scores on the Static–99 can range from 0 to 12, and based these scores, individuals are assigned to one of seven risk categories. Offenders who score at the bottom end of the scale are considered low risk, and those whose scores approach 12 are deemed high risk for future violent and or sexual behavior. Variants of the Static–99, particularly the RRASOR are implemented by agencies including Maricopa County, Arizona to determine the appropriate sentence for classes of convicted sex offenders





who are eligible for alternative sentencing. The Static-99 manual makes no clear distinction of the circumstances when the instrument is to be employed, such as in pre or post-sentence phases. Thus, the Static-99 apparently serves as an actuarial device that can be used for pre as well as post sentencing decisions.

Research suggests that the Static-99 is moderately accurate in predicting sexual and violent recidivism in samples of offenders from the United Kingdom and the United States (Beech, Beckett and Fischer 2000; Stalans 2004). For instance, using four samples of data, researchers discovered that the Static-99 resulted in average statistically significant ROC area scores of .70 for sexual and .69 for violent recidivism, indicating a strong correspondence between the risk instrument and recidivism outcomes (Hanson and Thornton 2000). As evidence of its reliability, the discrepancy in predictive precision of the Static-99 across the four samples was not statistically significant. Also, in a recent study, researchers found that the Static-99 was a reliable predictor of recidivism risk in two release cohorts of convicted sex offenders (Austin, Peyton and Johnson 2003).

#### *VRAG/SORAG*

The Violence Risk Appraisal Guide (VRAG) (Harris, Rice and Quinsey 1993) was developed to determine risk for violent recidivism for males who have committed a violent offense that was either sexual or non-sexual in nature. The VRAG is composed of 12 independent items; in particular it utilizes objective information on clients' offending characteristics as well as current and historical life circumstances. Furthermore, a unique feature of the VRAG is its incorporation of mental health diagnostics as factors to be considered in the total score. The following items are included on the VRAG:

1. Did not live with both parents until age 18;
2. Elementary school maladjustment;
3. History of alcohol problems;
4. Marital status;
5. Nonviolent offense history;
6. Failure on prior conditional release;
7. Age at index offense;
8. Index victim injury;
9. Gender of index victim;
10. Whether offender meets the Diagnostic and Statistical Manual of Mental Disorders—Version Three (DSM-III) criteria for personality disorder;

11. Whether offenders meets the DSM-III criteria for schizophrenia; and
12. Psychopathology Checklist-Revised (PCL-R) diagnoses (Quinsey, Harris, Rice and Corimer 1998).

Total VRAG scores range from -26 to 38. Offenders' scores are used to assign them to one of nine risk categories. A number of studies provide evidence that VRAG is useful at determining sexual and non-sexual violent recidivism among sex offenders, as well as offenders convicted of a non-sexual violent offense (e.g., Barbaree et al. 2001). For instance, Sjostedt and Langstrom (2002) found that among several measures, the VRAG was a useful device to predict sexual recidivism among rapists. The success of the VRAG in predicting both sexual and violent non-sexual recidivism among samples of offenders convicted of sex crimes has led to its use as a basis for a special instrument to predict violent recidivism for sex offender populations specifically.

Indeed, based on the moderate success of the VRAG in forecasting rearrest patterns for sex crimes, Quinsey, Harris, Rice and Corimer (1998) incorporated additional sex offense specific items alongside those already used in the VRAG into one instrument, the Sex Offender Risk Appraisal Guide (SORAG). The SORAG has 14 items in total, 10 of which are identical to VRAG items, and consequently, the SORAG is substantially correlated with the VRAG (see Barbaree et al. 2001). The SORAG, like the VRAG, was developed to predict offenders' probability for committing sexually violent and sexual offenses. As with the VRAG, the SORAG enlists the Psychopathology Checklist-Revised (PCL-R) to assess psychopathy among offenders; moreover it considers offenders Diagnostic Service Manual—Version Four (DSM-IV) diagnoses, as well as indicators of performance on phallometric examinations.

The additional items included on the SORAG are:

1. Offender had victims other than girls under the age of 14;
2. Offender has failed on prior conditional release;
3. Offender was younger at the time of index offense; and
4. Offender had deviant sexual interests in phallometric testing.

According to scientific research, the SORAG is a comparatively accurate risk assessment device. For example, Bartosh, Garby, Lewis and Gray (2003) note that among four widely



used instruments, the SORAG was one of two that was significantly predictive of sexual and violent recidivism among a sample of offenders. Nunes and associates (2002) also found that the SORAG was successful at determining future offending in a sex offender sample. In addition, Harris and Rice (2003) report that when missing data are accounted for in offender samples, the SORAG results in ROC prediction scores for sexual and violent recidivism among sex offenders that approach .90. Finally, based on an exhaustive analysis of the predictive accuracy of actuarial instruments in determining sex offender sexual recidivism, a team of researchers conclude that the SORAG produced the highest ROC scores, averaging .66 (Harris et al. 2003).

The design team that created the SORAG does not comment on whether there are specific stages in the criminal justice system in which the SORAG can be implemented. Rather, it appears in light of the design of the instrument and the literature surrounding its utility that the SORAG is appropriate for corrections officials to utilize to discriminate between particular sentencing options for offenders convicted of sex crimes (see for a complete description Quinsey et al. 1998).

## Conclusions

Compared to clinical methods, actuarial risk instruments are a preferred method to discern sex offenders' risk for sexual as well as violent recidivism because, unlike clinical practices, they are inexpensive, objective and modestly accurate. Scientists argue that risk instruments that employ only static, or historic measures of offender characteristics, rather than dynamic characteristics, are certainly sufficient for the purposes of gauging individuals' likelihood of recidivism. In fact, Harris and Rice (2003:207) contend that dynamic constructs are "unnecessary for anticipating who will recidivate in a given time period"; furthermore they state that "very accurate statements about the likelihood of another...offense can be based upon knowledge of an individual's lifetime conduct." In their view, offender risk scales that incorporate only static information are essentially capturing factors that reflect a person's underlying antisocial propensity.

In closing, although there are a considerable number of risk instruments available for corrections officials to utilize, far fewer have been rigorously evaluated. Of those that have, Harris and Rice (2003) recommend that

the MnSOST-R and the Static-99 are two of the most "promising" scales for predicting sexual recidivism. An emerging body of work also suggests that the SORAG is quite effectual in terms of its predictive accuracy. Additional empirical research is likely to surface which will provide further evidence of the statistical accuracy of sex offender risk instruments.



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### Endnotes

<sup>1</sup>The Virginia Sentencing Commission's Sentencing and Risk Assessment Worksheets are included in Appendix 1.

<sup>2</sup>The predictive accuracy of risk assessment instruments is typically evaluated via indices that report statistics (e.g., correlations, chi-square) reflecting the relationship between the risk instrument and the percentage of offenders who are classified correctly as either recidivists or non-recidivists. To overcome methodological issues associated with these techniques (e.g., proper specification of the base rate or proportion of people who reoffend), which can impact the results evaluation researchers commonly use the receiver operating curve (ROC). This technique plots the sensitivity of an instrument as the product of design specificity (Barbaree et al. 2001, Harris and Rice 2003). The area under the curve (AUC) represents the likelihood that a randomly sampled person who commits a new sex crime has a greater score on an instrument than does a similarly selected individual who does not reoffend. AUC scores range from 0 to 1, values higher than .5 implies that the instrument performs better than chance and a value of 1.0 suggests perfect prediction (Barbaree et al. 2001).

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# Appendix 1. Virginia Sentencing Commission

## Sentencing & Risk Assessment Worksheets

### Drug/Other — Section A

Offender Name: \_\_\_\_\_

◆ **Primary Offense** \_\_\_\_\_

A. Other than listed below (1 count) .....	1
B. Sell, etc. 1/2 ounce - 5 pounds of marijuana for profit; Sell, etc. marijuana to inmate for accommodation	
1 count .....	3
2 counts .....	4
C. Sell, etc. more than 5 pounds of marijuana for profit; Sell, etc. third or subsequent, felony (1 count) .....	12
D. Sell, etc. marijuana to minor (1 count) .....	11
E. Manufacture marijuana not for personal use (1 count) .....	8
F. Transport 5 pounds or more of marijuana into Commonwealth (1 count) .....	12
G. Sell, etc. Schedule III or IV drug to minor (1 count) .....	11

Score

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◆ **Primary Offense Additional Counts** Total the maximum penalties for counts of the primary not scored above \_\_\_\_\_

Years:	5 - 10 .....	0
	11 - 21 .....	2
	22 - 50 .....	3
	31 - 42 .....	4
	43 or more .....	5

0	
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◆ **Additional Offenses** Total the maximum penalties for additional offenses, including counts \_\_\_\_\_

Years:	Less than 4 .....	0
	4 - 10 .....	1
	11 - 21 .....	2
	22 - 30 .....	3
	31 - 42 .....	4
	43 or more .....	5

0	
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◆ **Knife or Firearm in Possession at Time of Offense** \_\_\_\_\_ If YES, add 2 →

0	
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◆ **Mandatory Firearm Conviction for Current Event** \_\_\_\_\_ If YES, add 6 →

0	
---	--

◆ **Prior Convictions/Adjudications** Total the maximum penalties for the 6 most recent and serious prior record events \_\_\_\_\_

Years:	Less than 7 .....	0
	7 - 25 .....	1
	26 - 48 .....	2
	49 or more .....	3

0	
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◆ **Prior Incarcerations/Commitments** \_\_\_\_\_ If YES, add 2 →

0	
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◆ **Prior Felony Drug Convictions/Adjudications** \_\_\_\_\_

Number:	1 - 2 .....	1
	3 - 4 .....	2
	5 .....	3
	6 or more .....	4

0	
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◆ **Prior Juvenile Record** \_\_\_\_\_ If YES, add 1 →

0	
---	--

◆ **Legally Restrained at Time of Offense** \_\_\_\_\_

None .....	0
Other than parole/post-release, supervised probation or CCCA .....	1
Parole/post-release, supervised probation or CCCA .....	4

0	
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**Total Score** \_\_\_\_\_

If total is 10 or less, go to Section B. If total is 11 or more, go to Section C.

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# Drug/Other ❖ Section B

Offender Name: \_\_\_\_\_

◆ **Primary Offense** \_\_\_\_\_

- A. Other than listed below (1 count) ..... 1
- B. Sell, etc. 1/2 ounce - 5 pounds of marijuana for profit; Sell, etc. marijuana to inmate for accommodation
  - 1 count ..... 5
  - 2 counts ..... 8
- C. Manufacture marijuana not for personal use (1 count) ..... 5

**Score**

▼

0	
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◆ **Primary Offense Additional Counts** Total the maximum penalties for counts of the primary not scored above \_\_\_\_\_

- Years: Less than 10 ..... 0
- 10 - 19 ..... 2
- 20 - 29 ..... 3
- 29 - 39 ..... 4
- 39 or more ..... 6

▼

0	
---	--

◆ **Additional Offenses** Total the maximum penalties for additional offenses, including counts \_\_\_\_\_

- Years: Less than 1 ..... 0
- 1 - 9 ..... 2
- 10 - 19 ..... 3
- 20 - 29 ..... 4
- 29 - 39 ..... 5
- 39 or more ..... 6

▼

0	
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◆ **Knife or Firearm in Possession at Time of Offense** \_\_\_\_\_ **If YES, add 2** →

0	
---	--

◆ **Prior Convictions/Adjudications** Total the maximum penalties for the 5 most recent and serious prior record events \_\_\_\_\_

- Years: Less than 1 ..... 0
- 1 - 22 ..... 1
- 23 - 43 ..... 2
- 44 or more ..... 3

0	
---	--

◆ **Prior Misdemeanor Convictions/Adjudications** \_\_\_\_\_

- Number: 1 - 4 ..... 1
- 5 - 9 ..... 2
- 10 or more ..... 3

0	
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◆ **Prior Incarcerations/Commitments** \_\_\_\_\_ **If YES, add 1** →

0	
---	--

◆ **Prior Juvenile Record** \_\_\_\_\_ **If YES, add 1** →

0	
---	--

◆ **Legally Restrained at Time of Offense** \_\_\_\_\_

- None ..... 0
- Other than parole/post-release, supervised probation or CCCA ..... 2
- Parole/post-release supervised probation or CCCA ..... 3

▼

0	
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**Total Score** \_\_\_\_\_

See Drug/Other Section B Recommendation Table to convert score to guideline sentence. Then go to Section D Nonviolent Risk Assessment and follow the instructions.

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# Drug/Other ❖ Section C

Offender Name: \_\_\_\_\_

◆ Primary Offense	Prior Record Classification			Score
	Category I	Category II	Other	
A. Other than listed below (1 count)	32	18	8	<div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px; margin-bottom: 5px;"></div>
B. Sell, etc. 1/2 oz - 5 pounds of marijuana for profit				
Sell, etc. marijuana to inmate for accommodation				
Attempt, conspired or completed: 1 count	25	10	5	
2 counts	29	14	7	
3 counts	40	20	10	
C. Sell, etc. more than 5 pounds of marijuana for profit. Sell, etc. third or subsequent felony				
Attempt, conspired or completed: 1 count	15	36	15	
D. Sell marijuana to minor				
Attempt, conspired or completed: 1 count	50	30	15	
E. Manufacture marijuana not for personal use				
Attempt, conspired or completed: 1 count	24	12	5	
F. Transport 5 pounds or more of marijuana into Commonwealth				
Attempt, conspired or completed: 1 count	15	36	15	
G. Sell, etc. Schedule II or IV drug to minor				
Attempt, conspired or completed: 1 count	30	30	15	

◆ Primary Offense Additional Counts Assign points to each count of the primary not scored above and total the points

Maximum Penalty (years)	5, 10	1
	30	4
	40 or more	5

◆ Additional Offenses Assign points to each additional offense (including counts) and total the points

Maximum Penalty (years)	Less than 5	3
	5, 10	1
	20	2
	30	4
	40 or more	5

◆ Firearm in Possession at Time of Offense **IF YES, add 5** →

◆ Prior Convictions/Adjudications Assign points to the 5 most recent and serious prior record events and total the points

Maximum Penalty (years)	Less than 5	0
	5, 10	1
	20	2
	30	3
	40 or more	4

◆ Prior Felony Drug Convictions/Adjudications

Number:	1	2
	2	3
	3	5
	4	7
	5	8
	6 or more	10

◆ Prior Felony Convictions/Adjudications Against Person

Number:	1	3
	2	6
	3	9
	4 or more	12

◆ Prior Felony Property Convictions/Adjudications

Number:	1, 2	1
	3	2
	4 or more	5

◆ Prior Juvenile Record **IF YES, add 1** →

◆ Legally Restrained at Time of Offense **IF YES, add 3** →

**Total Score** →

See Drug/Other Section C Recommendation Table for guidelines sentence range. Then go to Section D Nonviolent Risk Assessment and follow the instructions.



# Nonviolent Risk Assessment ❖ Section D

Offender Name: \_\_\_\_\_

### ◆ Ineligibility Conditions

- A. Was the offender recommended for Probation (No Incarceration on Section 3)?  Yes  No
- B. Do any of the offenses at sentencing involve the sale, distribution, or possession with intent, etc. of cocaine of a combined quantity of 29.35 grams (1 ounce) or more?  Yes  No
- C. Are any prior record offenses violent (Category III listed in Table A of the Guidelines Manual)?  Yes  No
- D. Are any of the offenses at sentencing violent (Category III listed in Table A of the Guidelines Manual)?  Yes  No
- E. Do any of the offenses at sentencing require a mandatory term of incarceration?  Yes  No

**If answered YES to ANY, go to 'Nonviolent Risk Assessment Recommendations' on cover sheet and check Not Applicable. If answered NO to ALL, complete remainder of Section D worksheet.**

### ◆ Offense Type Select the type of primary offense

- Drug ..... 3
- Fraud ..... 3
- Larceny ..... 1\*

◆ **Additional Offense(s)** \_\_\_\_\_ If YES, add 5 → 0

### ◆ Offender Score factors A to D and enter the total score

- A. Offender is a male ..... 9
  - B. Offender's age at time of offense:
    - Younger than 30 years ..... 13
    - 30 - 40 years ..... 9
    - 41 - 45 years ..... 1
    - Over than 46 years ..... 3
  - C. Offender not regularly employed ..... 9
  - D. Offender at least 26 years of age & never married ..... 6
- +   = **Enter A to C Total**

◆ **Arrest or Confinement Within Past 18 Months** (prior to instant offenses): \_\_\_\_\_ If YES, add 6 → 0

### ◆ Prior Felony Convictions and Adjudications Select the combination of adult and juvenile felony convictions/adjudications that characterizes the offender's prior record.

- Adult felony convictions only ..... 3
- Juvenile felony convictions or adjudications only ..... 6
- Both adult and juvenile felony convictions/adjudications ..... 9

### ◆ Prior Adult Incarcerations

- Periods: 1 - 2 ..... 3
- 3 - 4 ..... 6
- 5 or more ..... 9

**Total Score** \_\_\_\_\_ →  

58 or less, check Recommended for Alternative Punishment.  
 39 or more, check NOT Recommended for Alternative Punishment.

Go to Cover Sheet and fill out Nonviolent Risk Assessment Recommendations

Section D of 17-1-25