

## **Static-99 Scoring Rules for Special Cases**

**Last updated: 12/16/2009**

### **Not informing a sexual partner of HIV positive status**

Not informing a sexual partner of HIV positive status is a Category “B” offence for Static-99 scoring purposes. In some jurisdictions this offence is prosecuted as Aggravated Sexual Assault or as another charge that is typically considered a Category “A” sexual offences. Regardless of the name of the offence, the behavior of not disclosing HIV positive status to an otherwise consensual partner is a Category “B” offence.

### **Profiting from the sexual exploitation of others**

Profiting from the sexual exploitation of others is a Category “B” offence for Static-99 scoring purposes. This would include all prostitution and pimping offences, with the exception of paying for the sexual service of a minor, which is a Category “A” offence. In contrast, profiting from the child prostitution is a Category “B” offence. Selling pornography to minors (or permitting entry to “adult” entertainment for a fee) is a Category “B” offence, whereas giving pornography to minors for no fee would be a Category “A” offence due to the presumption of a sexual motive.

### **Blood relation known for less than 2 years**

In some families, the existence of certain family members have been hidden from other family members. If the offender is unaware that the victim is a family member, the victim counts as unrelated. If the offender and victim are blood relations (e.g., brother, step-sister, niece), and the offender is aware of the family relationship, the victim would be considered related for Static-99 scoring purposes. Given a blood relationship, it is not necessary that the offender and victim have known each other for two years.

### **When do you count charges that do not go to court?**

Only count charges that go to court except in the event that no charges go to court when you count 1 charge.

### **Covert Photography**

The advent of digital photography has made it increasingly easy to take sexually explicit pictures without the victims awareness (e.g., hiding cameras in washrooms, cell phones under women’s dresses). These types of offences are considered Category A, non-contact sexual offences (a contemporary form of voyeurism). The victim is the person being photographed, even if that person is not aware that the offence has occurred.

### **Requesting feces for sexual purposes?**

If an offender is convicted for requesting others to defecate in a bag so that he can masturbate with the excrement, it would count as a non-contact offence for Static-99 scoring purposes. In general, Static-99 noncontact offences are defined as illegal sexual acts in which physical contact with the victim was not attempted, or the medium of communication inherently prevented physical contact (e.g., telephone, internet). This definition would include requests for sexual acts that did not involve physical contact, such as requesting others to undress or urinate.

### **Cruelty to animals**

Convictions for “Cruelty to animals” counts as non-sexual violence for Static-99 scoring purposes. As with other non-sexual violent offences, the nature of the crime does not matter, only the name of the conviction. Cruelty to animals was coded as non-sexual violence in the development samples, and is related to callousness and general criminality.