

# Static-99 FAQ

## 1. Who can the Static-99 be used with?

The Static-99 is intended to be used with adult male offenders who have committed either a contact or non-contact sexual offense, and reached the age of 18 prior to release to the community. Institutionalized or developmentally delayed offenders may also be scored on the instrument.

## 2. Should the Static-99 be used with statutory offenders?

It can be used on offenders who committed their offenses as a juvenile but are being released as an adult. “The STATIC-99 is not appropriate for individuals whose only sexual “crime” involves consenting sexual activity with a similar age peer (e.g., Statutory Rape {a U.S. charge} where the ages of the perpetrator and the victim are close and the sexual activity was consensual).” (p. 5.)

The criteria for deciding there if the ages are close and the relationship consensual:

- a) The “alleged victim” states the sexual interaction was consensual and has never claimed otherwise;
- b) The offender had no pre-existing power relationship over the “alleged victim” (e.g., swim instructor) AND
- c) The age difference is no greater than 3 years (it can be up to 5 years if the offender is of lesser cognitive developmental capacity than the victim).

All of the preceding must apply to not score the Static-99:

## 3. Who should the Static-99 not be used with?

Female offenders of any age, male offenders under the age of 18, persons who have been charged or convicted of consenting acts between adults that are otherwise illegal (such as prostitution) and persons who have never been charged with a sexual offense (see p. 5).

## 4. Is training required to use the Static-99?

As with any risk assessment instrument, training on the instrument is highly recommended, and is usually required for clinical assessment instruments. However, unlike clinical instruments, an advanced degree is not required. Persons using the Static-99 should receive training from a trainer who is approved by the author of the instrument. Typically, training lasts one day, and includes modules on how the Static-99 was constructed (history, sampling, etc.), appropriate and inappropriate uses of the instrument, how to administer and score the instrument, proper interpretation of the results and corresponding recidivism estimates, and coding of several practice cases.

## 5. What information is needed to score the Static-99?

According to the rules, an official criminal history record is required to score the instrument (p. 11), and self-report is acceptable only under extremely limited circumstances (p. 4). Thus, only persons with access to the necessary criminal history information should be scoring the Static-99. It is acceptable to rescore the Static-99 when it is received from a secondary source and/or more information becomes available.

## 6. Can I score the Static-99 with missing data?

The only item that can be omitted from the instrument is #2 “Ever Lived With”. The item should be scored as a zero (p. 4). Other sources should be consulted when information is missing or suspect.

## 7. What is the Static-2002 and does it differ from the Static-99?

The Static-2002 represents a conceptual overhaul to the Static-99 where two items were dropped, six were added, and questions now represent five scales: age, persistence of sexual offending, deviant sexual interests, relationship to victims, and general criminality. The items removed were “#2 Ever Lived With” and “#3 Index

Non-Sexual Violence – Any Convictions”. Additional training is recommended for agencies that would like to implement the Static-2002.

**8. What is the RRASOR and how does it differ from the Static-99? Should I use it instead of Static-99?**

The RRASOR or Rapid Risk Assessment for Sexual Offense Recidivism is a pre-cursor to the Static-99; which was created by merging the SACJ-Min from the UK with the RRASOR from Canada. The four items culled from the RRASOR are: age at release, prior sexual offenses, extrafamilial victims, and male victims. The authors recommend using the Static-99 in place of the RRASOR because the Static-99 includes more information and has been more extensively cross-validated.

**9. Where can I get practice cases?**

There is a self-quiz in the coding manual (Appendix Two, p. 61), and the New York State Office of Sex Offender Management has created a two-part quiz. The first part covers basic concepts of the Static-99, and the second includes examples for each of the ten questions. These are available at [www.static99.org](http://www.static99.org), click on “Training”.

**10. When implementing the Static-99 for the first time in a community correction setting, how old can the index offense be before I should not use the Static-99?**

It is possible to use the Static-99 for sexual offenders who were released into the community following an index sexual offence during the past 10 years. For offenders who received a community sentence, the release date would be the date of sentencing. The recidivism rates for offenders with older release dates should be adjusted according to the time-free in the community (see Appendix 1, p. 59). Evaluators should note, however, that Static-99 scores become increasingly hard to interpret the longer the time since the last release from a sexual offence.

**11. Should the risk estimates ever be adjusted for time free in the community? Does that include time under community supervision such as probation or parole?**

When an offender has been offense-free in the community, the adjusted recidivism estimates provided in Appendix One (p. 59) can be used. Please note that time free INCLUDES periods of community supervision. However, when an offender incurs a new arrest charge, the nature of the offense and charges must be examined to determine which risk estimates now apply to the offender.

With strict supervision there are limited opportunities to reoffend, as such, those with this level of supervision should not get credit for not reoffending (e.g., benefit from a reduction in recidivism estimates). Typically, there is a bump in recidivism rates when strict supervision is reduced or ended completely. Also, for those who are relatively under-supervised and do not have a new arrest, credit should be given within the context of opportunities to reoffend (e.g., if the opportunity to reoffend has been limited, it may not be an indicator of desistance). Remaining offense free means “no new sexual or violent convictions, nor a non-violent conviction that would have resulted in more than minimal jail time (1-2 months).” (p. 59).

Guidelines for interpretation of this rule in New York:

- A. A *new* misdemeanor and felony sexual or assaultive charges require use of the original recidivism estimates.
- B. Violations typically do not count as a new crime since they are only punishable by up to 15 days in jail. However, the nature of the offense should be considered (e.g. § PL 140.05 trespass is a violation, however, if one objectively knows that the trespassing behavior was sexual in nature the event should count and the coder use the original estimates).
- C. Failure to register is neither a sexual or assaultive offense, and thus the reduced estimates may be used in the event that there are no other sexual or assaultive offenses occurring while in the community.
- D. Coders need to use their judgment.

**12. What does a “departure” from the score mean? Can I adjust the score?**

Static-99 scores cannot be adjusted, or overridden, without the corresponding recidivism estimates being voided. The Static-99 is not intended to be a comprehensive risk assessment instrument, and as such, some factors related to risk are not included because they failed to predict recidivism in this particular model. However, that does not mean that those factors should not be considered in an overall assessment of risk.

A “departure” refers to extenuating or acute risk factors that are not accounted for by the instrument that presently outweigh the level of risk arrived at via the actuarial assessment. For example, an acute risk would be someone who scores as low risk (0 or 1) but has stated an intention to reoffend. An empirically-based example would be an offender with a high risk score who has severe health issues and no access to potential victims. When the assessor feels that a departure is necessary, he or she should include the empirically-based or acute reasons in writing along with the assessment.

**13. How should NY penal and criminal procedure laws be interpreted when scoring the Static-99?**

The Static-99 for the most part is a behaviorally-based instrument, with the exception of the items referring to non-sexual violence. This exception occurs for the items reflecting convictions for non-sexual violence where the name and/or language of the statute must indicate violence, such as assault (see pages 27-34). Thus, when determining whether an offense is sexual in nature, it is often necessary to examine the facts of the offense when the sexual intent is not clear from the charges and/or statutory language.

**14. Can the Static-99 be scored on an offender who is charged with a non-sexual offense?**

With the exception of the non-sexual violence questions, the nature of the sexual behavior is more important than the penal law section under which the offender was charged. For example, NY PL § 265.10 Endangering the Welfare of a Child can include sexual behavior that is not enumerated by the language of the statute, but would nevertheless be considered a sexual offense for the purposes of scoring the instrument. As long as the assessor can objectively argue that the offense was sexual in nature, the instrument can be scored.

**15. Can juvenile offenses be used to score the Static-99 on criminal history questions?**

Juvenile offenses should be included in the criminal history and victimization questions, even if the events are sealed. Under limited circumstances, sexually-based PINS petitions may count as well (see p. 18, 28, 32, 39, and 44).

**16. Do Youthful Offender (YO) adjudications count?**

Yes. Youthful Offender adjudications (NY) count even though the nature of the offense is obscured from the public and replaced with a generic adjudication on the criminal history report. For assessment purposes, the behavior still occurred.

**17. What are the best practices in implementing the Static-99?**

- a. All persons who will encounter or use the assessment results should be trained by a trainer who is approved by the developers of the instrument. For example, a probation officer who specializes in pre-sentence investigations should be trained as well as officers who will supervise the offender and have reason to use the Static-99 score in a decision-making capacity.
- b. Supervisors should review and monitor coding skills of person who are scoring the instrument.
- c. To increase consistency in coding (reliability) it is ideal for assessment instruments to be scored by a group, or to hold regular sessions where coding issues can be discussed so that all persons scoring the instrument can benefit from the experience.
- d. Jurisdictions are encouraged to review their criminal procedure and penal laws and develop coding tables to assist assessors and increase inter-rater reliability. For example, see the New York Coding Tables short and long versions.

**18. How would I characterize the meaning of a score in a pre-sentence report or in court?**

The score can be interpreted in terms of

- a. percentile ranks (how risky is this offender compared to other sexual offenders?) and
- b. estimated recidivism rates for similar offenders. For the recidivism risk estimates, evaluators should be careful to mention that the estimates are group averages and the risk presented by the offender may be higher or lower depending on factors not measured by Static-99. An example of the wording in reports is provided in Appendix Severn (page 71).

**19. When considering whether a Parole Violation should count as a new index offense, is it important to determine whether violation charges were sustained or withdrawn?**

According to the coding rules (pg 16), the minimum criteria for counting a parole violation is “arrest” (providing of course, that the behavior is more than a technical offense). Consequently, violation charges do not need to be sustained to count.

**20. I have heard that the original recidivism estimates are no longer valid, is this true?**

In more recent samples, the sexual recidivism rates are different than the rates observed in the original developmental samples. The new research is based on larger and more representative samples than the development samples. Consequently, Dr. Hanson and colleagues recommend that the old (1999/2000/2003) norms are not used, and the evaluators use the most recent norms. Information concerning the most recent norms can be found under the “norms” section of this website. The most current recidivism estimates are presented in the November 1, 2009 version of the Static-99R Evaluators Handbook.

**21. I am interested in becoming a certified Static-99 trainer. Can you provide information as to how I might be able to proceed with this?**

Five criteria must be met in order to become a “Trainer”. Each person is required to a) take the formal STATIC-99 training, b) be in a position where that person has actually completed a number of "real" STATIC-99 assessments, c) pass an exam, d) demonstrate presentation skills in front of an Advisory Board member, and e) the "trainer" candidate must be in a job or in a position where they are required to score an absolute minimum of 10 "real" cases per year once they become a "Trainer".

Note: For our purposes a "real" case is where some actual offender is scored and the scoring is likely to have some real bearing on that offender's life, liberty, or intervention possibilities. A "real" case can also be one that is scored independently (without knowledge of a prior scoring of the offender) in the context of a monitored "inter-rater reliability" assessment or as part of ongoing supervision of people doing "real" assessments.

Expansion of the five criteria:

A) The person wishing to become a trainer must have taken a STATIC-99 training course given by one of the accredited presenters. In addition, that person must have completed an absolute minimum of 20 "real" cases before putting themselves forward to become a "Trainer". To view a list of accredited trainers please go to [STATIC99.org](http://STATIC99.org) and - click on "training" and then click on "List of Trainers".

B) Doing STATIC-99 assessments is a skill that requires frequent practice. We have a policy of only training people who actually do "real" assessments to be trainers. Trainers gain a certain amount of credibility and ability to answer practice related questions that "staff trainers" just never develop. We recommend that you be doing 20 STATIC-99 assessments a year to maintain your "edge" as a trainer. As part of the process you will have to stipulate that you are actually doing assessments.

C) To be accredited you will have to pass a written exam. This exam has typically been a multi-part exam which has included multiple choice questions, short answer questions, having you prepare appropriate e-mail

responses to questions posed to you from trainees, and has included having the applicant create STATIC-99 scoring examples.

D) To become an accredited trainer you have to demonstrate your ability to train, "live" in front of one of the STATIC-99 Advisory Board members. This means that you have to make arrangements with one of the Advisory Board Members to supervise you through the presentation of the STATIC-99 materials before a live audience of "learners". Generally, you arrange a training within your jurisdiction and present with an Advisory Board member present.

E) To maintain your status as a "Certified Trainer" you must be scoring an absolute minimum of 10 "real" (see definition above) cases a year.

**22. How should evaluators score officially recorded charges and convictions that turn out to be completely false?**

If there is only one set of accusations involving sexual offences, and the evaluator makes the determination that all sexual accusations are completely false, the evaluator may decide that Static-99 is inapplicable, and decline to score the individual. This most commonly arises in custody and access disputes.

If there is more than one set of accusations involving sexual offences, and the evaluator makes the determination that one set is completely false, the evaluator should score Static-99 following the standard rules, including the "false" accusations. If there is a substantive difference in the score based on including or not including the false accusations, we recommend that evaluators identify the false accusations, and note what the score would be if these offences were not counted.

It is not the evaluator job, however, to re-investigate or re-try the case. The above exceptions should only be used in the most blatant cases.

**23. When multiple offenses occur in close proximity to one another, how do I determine whether to score for a prior offense or if it is "pseudo-recidivism" and becomes part of an index cluster?**

It is necessary to know the date of the behavior resulting in an arrest in order to determine whether it is a new index offense or pseudo-recidivism. If the offense behavior occurred after a person was arrested or charged (i.e. sanctioned) for a sex offense, then any new sexual offenses would be the index offense.

**24. What is the criterion for determining the seriousness of a crime in order to count it as a prior sentencing date?**

The primary criterion for determining "seriousness" is whether or not the sanction/sentence for the behavior can include jail or community supervision.

**25. Can Non-contact offences be scored for convictions whose names imply contact or attempted contact?**

Yes. Non-contact offences are determined by the behavior, not the name of the offence. For example, if an offender exposes himself (non-contact offence) but is convicted of Disorderly Conduct: Soliciting a Lewd Act, the Disorderly Conduct conviction would count as a non-contact sexual offence for Static-99 scoring purposes.

**26. If an offender is convicted of "Facilitating a Sex Offense with a Controlled Substance" or "Rape by Use of Drugs" is this considered a non-sexual violence conviction since "Giving Noxious Substances" is noted in the coding manual as non-sexual violence?**

No. A sex offense is mentioned in the title of these offenses, as such they are considered sexual only. A separate non-sexual conviction is required to score for non-sexual violence in these instances.

**27. How do you score age at release when the most recent offence is not a sexual offence?**

a) If the most recent offence is for an offence committed prior to the arrest for the most recent sexual offence, the current offence counts as part of the index cluster (pseudo-recidivism) and the age at release for Static-99 scoring purposes is the age at release from the most recent offence. For example, consider an offender convicted of a sexual offence in 2000, released in 2002, convicted again in 2004 for a domestic assault (committed in 1999) and released in 2006. In this case, the 2004 conviction would be part of the index cluster (Index Non-Sexual Violence) and the age at release would be the offender's age in 2006.

b) If the most recent offence is a new non-sexual crime or technical violation that occurred after the index sexual offence, the release date is the release date from the last offence in the index sexual offence cluster. Post-index offences are relevant to the overall risk assessment, but are not explicitly included in Static-99. If the offender is currently serving a sentence for a new non-sexual offence, the Static-99 risk assessment applies to the time that the offender was released from their index sexual offence (e.g., "According to his Static-99 scores, his risk at the time of release from his last sexual offence would have been X. Since that time, the following things have happened . . . , which would be expect to have a positive/negative/neutral influence on his current recidivism risk"). Note that for certain offenders, the "age at release" for Static-99 scoring purpose could be substantially younger than their current age.

For example, consider an offender convicted of a sexual offence in 1995, released in 1997, convicted of assault in 1998 (committed in 1998), and released in 2010. For Static-99 scoring purposes, his release date would be 1997. Similarly, the release date would be 2005 for an offender released from a sexual offence in 2005, and recommitted with a (non-sexual) parole violation in 2007.

The above rules apply equally to Static-99, Static-99R, Static-2002 and Static-2002R.