

# What Do the New Actuarial Findings Mean for “Real-Life” Risk Assessments?

Dennis M. Doren, Ph.D.

[dmdoren@prodigy.net](mailto:dmdoren@prodigy.net)

608-239-5680

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# Outline

- Summarize main differences to be considered in risk assessments
- List working hypotheses about why the differences from older norms were found
- Determine explanations most empirically supported
- Describe what these explanations mean for practical application of the Static-99

# Differences to be Explained

- (1) Lower sexual recidivism figures per Static-99 score category, especially for the higher risk scores
- (2) Higher non-sexual violence recidivism figures per Static-99 score category
- [Overall sexual rates were lower, overall violence inclusive of sexual rates were almost unchanged, meaning overall non-sexual violence rates increased, given sexual and non-sexual overall rates were about equal in absolute size]

# Possible Explanations of New Findings

- 2<sup>nd</sup> listed issue first: Concerning increase in non-sexual violence rates:
- (1) **proportion of rapists** and “mixed” offenders as compared to child molesters is higher for the new study
- Factually accurate: (see next slide)

# Why Non-Sexual Violence Rates Are Higher?

- Current study: 53% child molesters vs. 42% rapists/mixed offenders (& 5% other)
- Static-99 developmental sample: 68% child molesters, fewer than 30% were rapists/mixed offenders
- More antisocial “generalists” in the sample compared to previously; their recidivism is disproportionately non-sexual compared to prior findings

# Why Non-Sexual Violence Rates Are Higher? (cont.)

- (2) **Effect of supervision** – catch more non-sexual offending done prior to (eventual) sexual offending
- If true, then this pattern should not be found once supervision periods end
- Data do not support this interpretation (see next slide)

# Why Non-Sexual Violence Rates Are Higher? (cont.)

- Presuming little supervision after year 5 for vast majority of subjects, I compared the amount of recidivism between yrs 6-10 for the two samples.
- Developmental sample = 6.6% new violent recidivism, 4.1% new sexual recidivism (yrs 6-10)
- Newer (“typical subject”) data base showed 9.3% new violent recidivism, 4.9% new sexual recidivism (yrs 6-10)
- Means non-sexual violence rates (yrs 6-10) = **2.5%** (6.6-4.1) for developmental sample; newer database = **4.4%** (9.3-4.9)
- **Newer database shows MORE recidivism than did the older sample for this presumably unsupervised period**
- Conclusion: Supervision does not seem to be the cause of the increase in non-sexual violence rates.

# Other Possibilities...

- (3) **Societal efforts to educate** both potential victims and offenders (i.e., efforts to reduce sexual offending) have been:
  - (a) effective in reducing sexual offending rates overall and hence sexual recidivism rates even among convicted offenders, but have had
  - (b) no similar impact on non-sexual violent reoffending
- No empirical evidence for this.



- **(4) Offenders avoid being charged/ convicted of sexual offenses** despite committing the same number of them (to avoid new legal sequelae), in lieu of non-sexual charges
- Could explain why the sexual base rate is lower and the non-sexual violence base rate is higher
- No empirical evidence for this, in particular for prosecution charging decisions (vs. convictions from plea bargains)

# Current Conclusion About Higher Non-Sexual Violence Rates

- Most likely related, at least in part to increased proportion of rapists in sample
- Recommendations:
- (a) For assessing violent recidivism, use “Child Molester norms” for a child molester; “Rapist norms” for a rapist
- (b) For “mixed” offender, assess “specialist” vs. “generalist”; and use CM or Rapist norms accordingly

# Lower Sexual Recidivism Rates – Possible Explanations

- (1) Newer data bases had more/better data upon which to score subjects, and hence scores were higher than they would have been in the older data bases.
- If true: (e.g.) Static-99 = 5 is now associated with a 5-year sexual recidivism rate of 19.3% instead of previous 33.7% rate because new set of Static-5's inclusive of people scoring only 3 or 4 in past, besides those scored 5 either time.
- Supportive finding: the proportion of highest scores has gone up between the two sets of norms: Proportion of Static-99 = 6+ moved from 11.9% to 15.2%
- Where better/increased data come from? A: Increase in treatment (e.g., info re: stranger victim, male victim)

# Implications for Evaluators

- (1) If relative paucity of data, there is danger of underscoring the case compared to the proper use of the new sexual norms
- (2) Some evidence supportive, some not, for higher score risk figure equaling prior lower score risk figure:
  - (a) “high risk” sample logistic regression sexual recidivism risk figure for 5 yr score of 8+ about equal to old 6+ figure [36% - 41% vs. 39%]

# Issue = Base Rate, Not Individual Score Risk Estimates

• Static-99 score	Column C*	new norms	Column D*
• 0	2.3	3.5	3.5
• 1	2.7	3.9	4.6
• 2	5.3	6.5	8.5
• 3	8.2	8.0	9.6
• 4	10.3	12.0	13.2
• 5	19.3	19.3	23.4
• 6+	27.9	26.0	30.1
• Overall recidivism rate:	<b>9.4</b>	<b>10.9</b>	<b>12.1</b>
• Sample size:	2119	6406	2517

- \*From Table V, p. 32 of Doren, D.M. (2004).

# Why New Sexual Recidivism Base Rate Lower?

- (1) The **effect of more (modern day) sex offender treatment**
- Support for this as (at least part of) explanation.
- Subjects in new samples substantially treated (see Andrew Harris slides), while subjects in developmental sample essentially untreated (by modern view)
- Treatment is associated with lowered recidivism rates beyond Static-99 risk figures (e.g., McGrath, Cumming, Livingston, & Hoke, 2003).

# Expected Pattern of 5-yr Base Rates Across Samples

- New 5-year sexual norms = 10.9%;
- Old 5-yr old sexual norms = 17.4%
  
- Compare to results from Hanson et al. (2002):
- 5-yr sexual rate for treated = 9.9%;
- 5-yr sexual rate for untreated = 17.0% {= same as above
  
- Also Lösel and Schmucker (2005): a 6.4% difference in 5-year sexual recidivism rates for treated and untreated vs. new norms = a 6.5% difference from the older norms [= the same]

# Why New Sexual Recidivism Base Rate Lower? (cont.)

- (2) The **effect of longer sentences** on who is being released (into our study samples)
- Concept: Actuarially sexually higher risk offenders disproportionately not being released as frequently as in past due to much longer sentences.
- Explanation not supported by the new data
- The proportions of high actuarial scores are equal or higher in the newer vs. older sample
- (Older sample: Static-99 6+'s = 11.9% of sample, newer sample Static-88 6+'s = 15.2% of the sample; for 5's and 6+'s combined, the respective proportions were 21.1% and 24.6% - in both cases the proportions are **higher** for the newer sample.)



# Why New Sexual Recidivism Base Rate Lower? (cont.)

- (3) The **effect of modern day community supervision**
- Concept: Current supervision results in agents' becoming aware of more non-sexual violence than we used to know and, by causing new charges and/or revocations of community placements, this also results in fewer sexual offenses occurring - i.e., more offenders are getting picked up for non-sexual offenses before they have as much a chance to commit a new sexual offense.

- Minor degree of support from new data:
- Yrs 6-10 showed essentially same sexual recidivism rate after supervision presumed completed (4.9% in new sample vs. 4.1% in old sample)
- Could be viewed as discontinuation of supervision also meant discontinuation of effect on sexual recidivism rates
- Potentially contrary view: Bonta, Ruggie, Scott, Bourgon, & Yessine (2008).

# Why New Sexual Recidivism Base Rate Lower? (cont.)

- (4) The **effect of offender age**:
- Potential support for this
- Subjects in the newer database older than in older database
- Issue: seems contrary to higher non-sexual violence rate by same subjects (even by rapists)

# Distribution Comparison of Ages-At-Release

- Developmental (1083)
- Mean: **34.9**, sd: 11.69
- < 25: 22.8% (247)
- 25-49.9: 66.3% (718)
- 50-59.9: 8.0% (87)
- 60+: **2.9%** (31)
- [50+: **10.9%** (118)]
- New sample (6015)
- Mean: **39.9**; sd: 12.4
- < 25: 10.6% (639)
- 25-49.9: 68.8%(4136)
- 50-59.9: 13.1% (790)
- 60+: **7.5%** (450)
- [50+: **20.6%**(1240)]

# Meaning For Evaluators

- **IF** you believe age-at-release matters relative to sexual recidivism risk, then you also must conclude that age-at-release matters in these new norms – that the new figures are lower at least in part because of the significantly older set of subjects included
- Apply the new “typical” norms with older subjects but not with younger subjects for whom it may be better to use the “high risk” norms or a compromise between the two.
- **IF** you do believe age-at-release matters, then it does not matter here either; use typical new norms irrelevant of offender’s age but dependant on other factors such as treatment benefit.

# Why New Sexual Recidivism Base Rate Lower? (cont.)

- No empirical data on following:
- (5) **Offenders** have learned to **avoid being charged/convicted of sexual offenses** despite committing the same number of them.
- (6) **Societal efforts to educate** both potential victims and offenders (i.e., efforts to reduce sexual offending) have been effective in reducing sexual offending rates overall including sexual recidivism rates

- (7) The newer subjects are **less healthy, more obese**, etc., and hence less able to/interested in enacting sexual offending – (Would seem contrary to higher non-sexual violence rates)

# Conclusions and Implications For Evaluators Re: Sexual Recidivism

- Lower sexual recidivism norms reflect lower base rate
- Lower base rate in turn caused (in part) by
- (a) treatment effect (which also may have caused increase in scores)
- (b) possibly by supervision
- (c) possibly by offenders being older
- (d) possibly by other factors not empirically tested



# Conclusions and Implications For Evaluators Re: Sexual Recidivism

- **IF** assessing treated offender, use new “typical” norms
- **IF** assessing untreated, potentially younger offender, use “high risk” norms or use the two sets of norms as boundaries to risk estimate (issue: degree of a priori selection as high risk)
- Older age-at-release is not a significant separate consideration compared to new norms, though younger age-at-release (with no treatment) could lead to using “high risk” norms (if presumed that age-at-release matters)

# References

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