

COUNCIL ON SEX OFFENDER TREATMENT



COUNCIL DIRECTIVE

NUMBER: 3.3

PAGE: 1 of 12

EFFECTIVE DATE: Adopted 12-9-2010

SUPERCEDES: N/A

SUBJECT: DEREGISTRATION EVALUATION METHODOLOGY AND REPORT FORMAT

DIRECTIVE: To establish criteria used by Deregistration Evaluation Specialists to conduct deregistration evaluations and write deregistration reports.

DEFINITIONS:

I. DEREGISTRATION EVALUATION: The evaluation protocol and format approved by the Council.

II. REPORT FORMAT: The required format for reporting results from the deregistration evaluation.

III. DEREGISTRATION EVALUATION SPECIALIST – A Licensed Sex Offender Treatment Provider who is approved by the Council to conduct deregistration evaluations.

PROCEDURE:

- I. The Deregistration Evaluation Specialist shall use the evaluation methodology approved by the Council when conducting deregistration evaluations.
- II. The deregistration methodology approved by the Council is as follows:
 - a. Face to face contact with the registrant for the purpose of collecting a social history, conducting a mental status exam and conducting a clinical interview regarding the registrant's instant offense, sex history and sex offender treatment.
 - b. Paper and pencil testing to include at least one objective psychological test (e.g., Personality Assessment Inventory, MMPI-2, etc.) and a measure of malingering or deception (e.g., Paulhus Deception Scales)
 - c. Review of records may include but is not limited to offense reports, completed sex offender treatment assignments, prior evaluations, recommendations from treatment providers or supervising officers and other relevant documentation.
 - d. The three risk assessment devices for adult males shall include the Static-2002, Hare Psychopathy Checklist – Revised and the Level of Service Inventory – Revised. If the registrant's only sex offense is child pornography and there is no evidence of any contact sexual offenses, the Matrix 2000 shall be substituted for the Static-2002. The two risk assessment devices for adult females shall include but are not limited to the Hare Psychopathy Checklist- Revised and the Level of Service Inventory-Revised. The Static-2002 shall not be utilized for female offenders.
- III. The Council shall approve forms utilized during the deregistration evaluation to collect social history, and information about the instant offense, sex history and sex offender treatment. The deregistration

Evaluation Specialists shall use all forms approved by the Council when conducting deregistration evaluations.

- IV. The Deregistration Evaluation Specialist shall submit completed reports to the Council for review. The Council shall make a determination if the Deregistration Evaluation Specialist adhered to the evaluation criteria and report format.
 - a. The report shall contain but is not limited to a summary of the findings of reliability of the responses, risk assessment for sexual reoffense, risk assessment for general criminality, psychopathy risk assessment, and overall risk level.
 - b. Each risk assessment listed above or additional risk assessments shall contain a separate page detailing each finding.
 - c. The Deregistration Evaluation Specialist shall only report the empirical research regarding risk level for each actuarial.
 - d. The Deregistration Evaluation Specialist shall not submit an opinion regarding the candidate's deregistration. The judge in the county of conviction bases the opinion for deregistration on the findings of the evaluation.

- V. The Council's shall send a written copy of the Council's decision to the Deregistration Evaluation Specialist. The original Council decision shall be sent to the attorney of record.

Chairperson's Signature

Date

John Smith, LSOTP
Licensed Sex Offender Treatment Provider
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January 25, 2015

Mark Miller, Attorney
234 Elm Avenue
Austin, TX 78701

Dear Mr. Miller,

Per your request, on 12-15-14 I conducted a forensic evaluation of James Jones (DOB: 12-33-65). When conducting this evaluation, I used the methodology required by the Council on Sex Offender Treatment for Licensed Sex Offender Treatment Providers who are conducting deregistration evaluations (See Methodology). I am reporting my findings in the required report format for a deregistration report. The following summarizes my current opinions regarding Mr. Jones.

1. **Reliability of Responses:** Mr. Jones was open and honest when answering paper and pencil questionnaires as demonstrated by his score on the Paulhus Deception Scale. There was no indication of deception on a polygraph of Mr. Jones regarding during the evaluation process. (See Reliability of Responses)
2. **Risk Assessment for Sexual Reoffense:** Risk is the likelihood that a person will exhibit a specific behavior in the future. Mr. Jones obtained a score of two (2) on the Static-2002. Individuals who obtain a score of two on the Static-2002 are known to have the following reoffense rates over a ten year period: sexual reoffense = 5%; nonsexual violent reoffense = 7%; and, any type of new offense = 18%. (See Sexual Reoffense Risk Assessment)
3. **Risk Assessment for General Criminality Risk Assessment:** Mr. Jones' rating on the LSI-R indicates that he is a moderate risk for acting out while in the community. Most of Mr. Jones' risk comes from his alcohol dependence disorder. Should Mr. Jones be able to maintain sobriety, his risk for recidivism while would be substantially reduced. (See General Criminality Risk Assessment)
4. **Psychopathy Risk Assessment:** Mr. Jones' risk for nonsexual violence and severe criminal acts was assessed by use of the Hare PCL-R. Mr. Jones' score on this instrument is well below the cutoff for classifying Mr. Jones as a psychopath, which suggests that he is a low risk for violence and severe criminal acts. It should be noted that Mr. Jones' low risk for nonsexual violence is corroborated by his score on the Static-2002, which indicates that he has 7% chance of violence over the next ten years.
5. **Overall Opinion:** Mr. Jones' does not exhibit any empirically based factors that would indicate a high risk for sexual or violent reoffense.

If you have any questions, please do not hesitate to contact me.

Sincerely,
John Smith
Licensed Sex Offender Treatment Provider
LSOTP License Number 094987

Methodology

- Contact with Mr. Jones:
 - Clinical Interview
- Background Questionnaires:
 - Social History
 - Instant Offense Summary
 - Sex Offender Treatment Summary
 - Sex History Summary
- Reliability Testing:
 - Paulhus Deception Scale
- Adult Male Risk Assessment
 - Static-2002 (Matrix 2000 for Child Pornography and On-line Solicitation Offenders when there is no evidence of contact sexual offenses)
 - Hare PCL-R
 - Level of Service Inventory - Revised
- Female Risk Assessment
 - Hare PCL-R
 - Level of Service Inventory- Revised
- Materials Reviewed
 - Registrant's Criminal History

Current Matter

Mr. Jones is seeking to be removed from the public internet registry of sex offenders. The following is a summary of information about Mr. Jones' sex offense and sex offender treatment.

Official Version of the Offense

Based upon Mr. Jones' criminal history, he was charged with Indecency with a Child by Contact and put on probation for that offense in 1996. The available records indicate that Mr. Jones had sexual contact with his stepdaughter, from the time she was ten until she was twelve years old. The sexual contact entailed going into her room at night and touching her on her breasts and vagina over her clothing. The records indicate that the victim stated that he engaged in this behavior about eight to ten times.

Sex Offense Summary

Based upon his responses on the Offense Summary Form, Mr. Jones stated that he was arrested on October 30, 1995 for sexually touching his stepdaughter, Mary. Mr. Jones stated that Mary was twelve at the time of his arrest.

When asked to identify the victims of his offense, Mr. Jones showed good empathy as he identified not only Mary as his victim but also, Mary's family, his ex-wife (Mary's mother), his family, his friends, coworkers, and society in general.

Mr. Jones showed some insight into his sex offense. He stated that he began having sexual fantasies about Mary about eight months prior to his first sexual contact with her. Mr. Jones stated that he felt excitement and sexual arousal while planning to sexually touch Mary.

Mr. Jones showed insight about the groom process. He was aware that he set-up Mary by treating her special, buying her gifts, allowing her to stay up late, tucking her in at night, and siding with her when her mother tried to discipline her. Mr. Jones is also aware that he set-up his wife by lying to her and going "overboard" to try to be a good stepparent.

Mr. Jones stated that his sexual contact with Mary began when she was ten and it continued for about a year and half. Mr. Jones stated that all of the sexual contact took place in the same manner. He would wait until he thought Mary was asleep and he would go into her bedroom. He would put his hands under the covers and touch her on her breasts and vagina over her clothing. Mr. Jones stated that he thought that Mary was asleep each of the ten to twelve times he touched her. Mr. Jones stated that he never had Mary touch him and he never planned on that occurring.

Sex Offender Treatment

Based upon his responses on the Sex Offender Treatment Summary Form, Mr. Jones participated in sex offender treatment with Bill Williams (fictitious name), from 1996 to 2002. Mr. Jones stated that he attended weekly group therapy for five years and he participated in a monthly aftercare group for about one year. Mr. Jones stated that his treatment provider used a workbook, *Treatment of the Sex Offender*. Mr. Jones stated that on average, there were eight other clients in the group therapy sessions.

Mr. Jones stated that he never had his sex offender probation revoked. He stated that he did have incident reports for such things as being late, not doing an assignment correctly, and once for failing to leave a high risk situation.

Mr. Jones stated that he had his girlfriend and brother trained as chaperons. He stated that he broke up with his girlfriend about two years ago. He stated that he still has contact with his brother, who lives in the same city as he. Mr. Jones stated that he has a good relationship with his brother.

When asked to describe what he learned while in sex offender treatment, Mr. Jones stated that he learned what he did was wrong and that he hurt many people. Mr. Jones

stated that having learned about thinking errors, he now recognizes that he tricked himself into thinking that it would be “okay” to sexually touch his victim, so long as she was asleep. Mr. Jones stated that in treatment, he learned that there is no right way to do a wrong thing. Mr. Jones stated that when he was planning his crime, he never imagined how he and others would be harmed by his actions. Mr. Jones stated that he thinks it would be impossible for him to even think about sexual misconduct without also thinking about the pain he caused.

Mr. Jones knew that a high risk situation was any person, place, or thing that could make it easier for him to use deviant sex. Mr. Jones indicated that his high risk situations included using alcohol, using pornography, being alone and lonely, and feeling depressed. Mr. Jones stated that he copes with his high risk situations by avoiding use of alcohol and pornography. Mr. Jones stated that he copes with loneliness by attending AA meetings, talking with his brother and trying to find a dating partner. Mr. Jones stated that he rarely becomes depressed but when he does, he uses the depression coping techniques he learned in therapy.

Mr. Jones could define offense cycle and he knew the steps of his cycle: loneliness – thinking errors – feeling sad – deviant fantasies – planning – set-up and act. Mr. Jones stated that he tries to cope with his offense cycle by addressing the first step – he tries to not be alone when he feels sad or dejected.

Mr. Jones is aware of thinking errors and he is aware that he uses the following thinking errors most often: “Poor Me”, “Justification” and “Helpless”. Mr. Jones stated that he copes with thinking errors by recognizing them and debating or refuting them.

Mr. Jones stated that the deviant fantasies he has now-a-days pertain to strangers he sees. Mr. Jones stated that he is aware that he can only have sexual fantasies about a person he is in a relationship with, so he eliminates deviant fantasies about strangers by tunnel vision or stop-flip.

Mr. Jones stated that he does not masturbate. He stated that he feels less of a need to masturbate now that he is no longer using pornography.

Mr. Jones stated that he copes with deviant urges and fantasies by using coping techniques, such as thought broadcasting, or he may talk with his brother about being sad or lonely.

Mr. Jones stated that that he learned in therapy that anyone can relapse and he believes that he is capable of relapse, which is why he still uses all of his coping skills that he learned in treatment.

Reliability of Mr. Jones' Responses

The reliability of Mr. Jones' responses during this evaluation process was assessed by two different objective measures of deception. The results of these objective measures indicate that Mr. Jones was open and honest when responding to questions posed by this examiner.

Paulhus Deception Scale

The Paulhus Deception Scale was designed to be used with questionnaires that have no validity scales. In this case, the Paulhus Deception Scale was used to assess the manner in which Mr. Jones completed the psychosocial questionnaires. Mr. Jones obtained a raw score of six (6) on the Impression Management Scale, which transforms to a t-score = 50. Mr. Jones' score on this scale falls in the average range, which suggests that he was open and honest when responding to psychosocial questionnaires.

Risk Assessment for Sexual Reoffense

The Static-2002 is an actuarial risk assessment device that is designed to assess an individual's risk for future sexual crimes and violent crimes. The Static-2002 was subjected to rigorous scientific testing, which included the study of sex offenders who were in the community for ten years or more. The Static-2002 has good reliability (i.e., consistently measures risk accurately) and validity (i.e., scores correlate very well with future behavior). The Static-2002 is widely accepted by probation and parole departments. It is used extensively by Licensed Sex Offender Treatment Providers.

Mr. Jones obtained a score of two (2) on the Static-2002. Individuals who obtain a score of one on the Static-2002 are known to recidivate at a rate of 5% over a ten year period.

Static-2002 Risk Factor	Score
<p><u>Age at Release</u> 50 or older = zero; 35 to 49.9 = one; 25 to 34.9 = two; 18 to 24.9 = three</p>	1
<p><u>Persistence of Sexual Offending</u></p> <ul style="list-style-type: none"> • Any Sentencing Occasion for Non-Contact Sex Offense: • Any Juvenile Arrests for a Sexual Offense and Convicted as an Adult for a Separate Sexual Offense: • Rate of Sexual Offending (15 yrs): 	0
<p><u>Deviant Sexual Interests</u></p> <ul style="list-style-type: none"> • Any Sentencing Occasion for Non-Contact Sex Offense: • Any Male Victim • Young (under 12), Unrelated Victims 	1
<p><u>Relationship to Victims</u></p> <ul style="list-style-type: none"> • Any Unrelated Victim • Any Stranger Victim 	0
<p><u>General Criminality</u></p> <ul style="list-style-type: none"> • Any prior Involvement with the Criminal Justice System: • Prior Sentencing Occasions for Anything (<3; 3 to 13; >13) • Any Community Supervision Violation: • Years Free prior to Index Sex Offense (36 mo. Prior to commit/48 prior to conviction) • Any prior Non-Sexual Violence Sentencing Occasions 	0
Total	2

Risk Assessment for Sexual Reoffense

(Note: Use the Matrix 2000 instead of the Static-2002 if the client's only sex offense was related to child pornography. If you use the Matrix 2000, do not use the Static-2002)

Mr. Jones' future risk for sexual crimes was assessed using the Matrix 2000 because his sexual offense entailed possession of child pornography. In cases where the only arrestable misconduct is the possession of child pornography, the Matrix 2000 is used because there is no other risk instrument that can be used to reliably assess risk.

Mr. Jones obtained a score of two (2) on the Static-2002. Individuals who obtain a score of one on the Static-2002 are known to recidivate at a rate of 5% over a ten year period.

	Score
<p><u>Age</u></p> <ul style="list-style-type: none"> • Eighteen to twenty-four: 2 points • Twenty-five to thirty-four: 1 point • Thirty-five or older: 0 points 	0
<p><u>Appearances for Sexual Offenses</u></p> <ul style="list-style-type: none"> • Zero to one: 0 points • Two: 1 point • Three or four: 2 points • Five or more: 3 points 	0
<p><u>Appearance for Nonsexual Offenses</u></p> <ul style="list-style-type: none"> • Four or less: 0 points • Five or more: 1 point 	0
<p><u>Preliminary Risk Category</u></p> <ul style="list-style-type: none"> • Low: 0 points • Medium: 1 to 2 points • High: 3 to 4 points • Very High: 5 to 6 points 	Low
<p><u>Aggravating Factors:</u></p> <ul style="list-style-type: none"> • Male victim • Stranger victim • Single (never in marital type relationship) • Noncontact sexual offense 	0
<p><u>Final Risk Category</u></p> <ul style="list-style-type: none"> • Raise the risk category one level if the individual has two or three of the aggravating factors • Raise the risk category two levels if all four aggravating factors apply to the individual 	Low

Risk Assessment for General Criminality

The LSI-R samples many of the major and minor risk factors of criminal activity to provide comprehensive risk/needs assessment. The components of the LSI-R include criminal history, education/employment, family/marital, accommodations, leisure/recreation, companions, alcohol/drug problems, emotional/personal, and attitudes. The LSI-R generates a numeric rating for an individual. The total score leads to classifying an individual's risk while on probation: minimum (0 to 7), medium (8 to 15) and maximum (16 and up). Mr. Jones was rated using the LSI-R to assess his risk to the community, should he be placed on community supervision.

Mr. Jones was awarded thirteen (13) on this instrument, which places him in the moderate risk range. It should be noted that most of Mr. Jones' risk seems to be related to his alcohol dependence problem. Should Mr. Jones be able to maintain sobriety, he would likely be able to substantially reduce his risk for acting out.

LSI-R Factors that Apply to Mr. Jones	LSI-R Factors that Do Not Apply to Mr. Jones
Total Factors = 13	Total Factors = 41
<ul style="list-style-type: none"> • He has been arrested twice before his sex offense – both prior arrests are alcohol related • He has been fired – due to alcohol abuse behavior • Lack of an organized leisure activity • Some of his friends have been arrested for alcohol related offenses • He has a chronic substance dependence problem, which has caused him legal, family, social and work problems • He suffers from depression and has an anxiety disorder and he needs treatment for these problems 	<ul style="list-style-type: none"> • He was not arrested under age sixteen • He has never been to prison • He has never been a conduct problem while in custody • He has not absconded • He does not have an official record of violence • He tends to be employed and do well with coworkers and bosses • He has an adequate level of education • He is not on public assistance • Family is not criminal oriented • Most of his friends are not criminally oriented • He does not live in a high crime neighborhood • He has a positive attitude towards changing his life • He has a good attitude toward community supervision and sex offender treatment

Risk Assessment for Psychopathy

The Hare Psychopathy Checklist – Revised is designed to determine if an individual is a psychopath. The psychopath is the person most likely to commit criminal offenses. The psychopath is also the type of person least likely to respond to treatment. The PCL-R is a twenty-item checklist. Items are grouped into two factors: Factor I-Aggressive Narcissism and Factor II-Antisocial Tendencies. Mr. Jones was assessed using this instrument to determine his general risk to the community and his prognosis in treatment. A score of thirty (30) or higher is needed to classify a person as a psychopath.

Mr. Jones obtained a score of four (4) out of a possible total score of forty (40). Mr. Jones' score indicates that he is not psychopathic. Mr. Jones does not appear to be the type of person who is inclined to engage in chronic, severe criminal behavior.

PCL-R Factors that Apply to Mr. Jones	PCL-R Factors that Do Not Apply to Mr. Jones
Total Factors = 2	Total Factors = 18
<ul style="list-style-type: none"> • He has a history of seeking excitement through alcohol use and mate swapping • He has some sexual promiscuity as evidenced by his sex offense and his mate swapping 	<ul style="list-style-type: none"> • He is not glib • He is not grandiose • He is not a pathological liar • He has no history of using scams to exploit family, friends or others • He shows guilt and remorse • He is capable of recognizing and expressing emotions • He has a history of financial self-reliance • He has no history of fighting • He was not a problem child at home or in school • He is not impulsive • He accepts responsibility for his actions • He does not have a history of many short-term marital relationships • He was not arrested as a juvenile • He has never had a community supervision or bond release revoked • His current charge is his only charge as an adult.