Static 99R
2016
Coding Rules

Why Assess Risk?

Promote Public Safety

Routine Interventions

Deploying Scarce Resources

Rank Order Individuals

RNR Model

Risk	• Who should be targeted to receive the most resources
Need	• What should be targeted to have the greatest impact on recidivism
Responsivity	• How should services be delivered

Risk Need Responsivity

Risk Factor Types

- Static: Non-changeable life factors

- Dynamic: Changeable life factors

- Stable: Personality characteristics, skill deficits, and learned behaviors that may be changed through intervention

- Acute: Short/unstable temporal duration. Factors that can change rapidly, as a result of environmental or intra-personal conditions

Three Generations of Risk Assessment

1st Generation

Clinical Judgement

Non-Standardized

Non-Replicable

Based on experience and level of knowledge of the literature

Level of prediction little better than chance

2nd Generation

Actuarial Assessment

Standardized

Replicable

Measures static factors empirically related to recidivism

3rd Generation

Dynamic Assessment

Standardized

Replicable

Measures dynamic factors empirically related to recidivism

Prediction of Sexual Recidivism

Measures Designed for Sexual Recidivism	D (95% CI)	N (k)
Empirical Actuarial	.67 (.63-.72)	24,089 (81)
Mechanical	.66 (.58-.74)	5,838 (29)
Structured Judgement	.46 (.29-.62)	1,131 (6)
Unstructured	.42 (.32-.51)	6,456 (11)

Evolution of the Static 99R

What happens when you combine risk factors?

RRASOR ➕ SACJ-MIN 🟰 STATIC 99

Evolution of the Static 99R

Original Coding Rules (2003) ➡ Age Weight Changes (2009) ➡ Updated Coding Rules (2016)

Sexual Recidivism Rates

STATIC 99R	5 years	10 years	15 years
Rapist	14% offend	7% more offend (21% total)	3% more offend (24% total)
Incest	6% offend	3% more offend (9% total)	4% more offend (13% total)
Female Child Molestation	9% offend	4% more offend (13% total)	3% more offend (16% total)
Male Child molestation	23% offend	5% more offend (28% total)	7% more offend (35% total)

Sexual Recidivism Rates

STATIC 99R	5 years	10 years	15 years
No Prior Sex Offense	10% offend	5% more offend (15% total)	4% more offend (19% total)
Prior Sex Offense	25% offend	7% more offend (32% total)	5% more offend (37% total)

Sexual Reconviction Rates
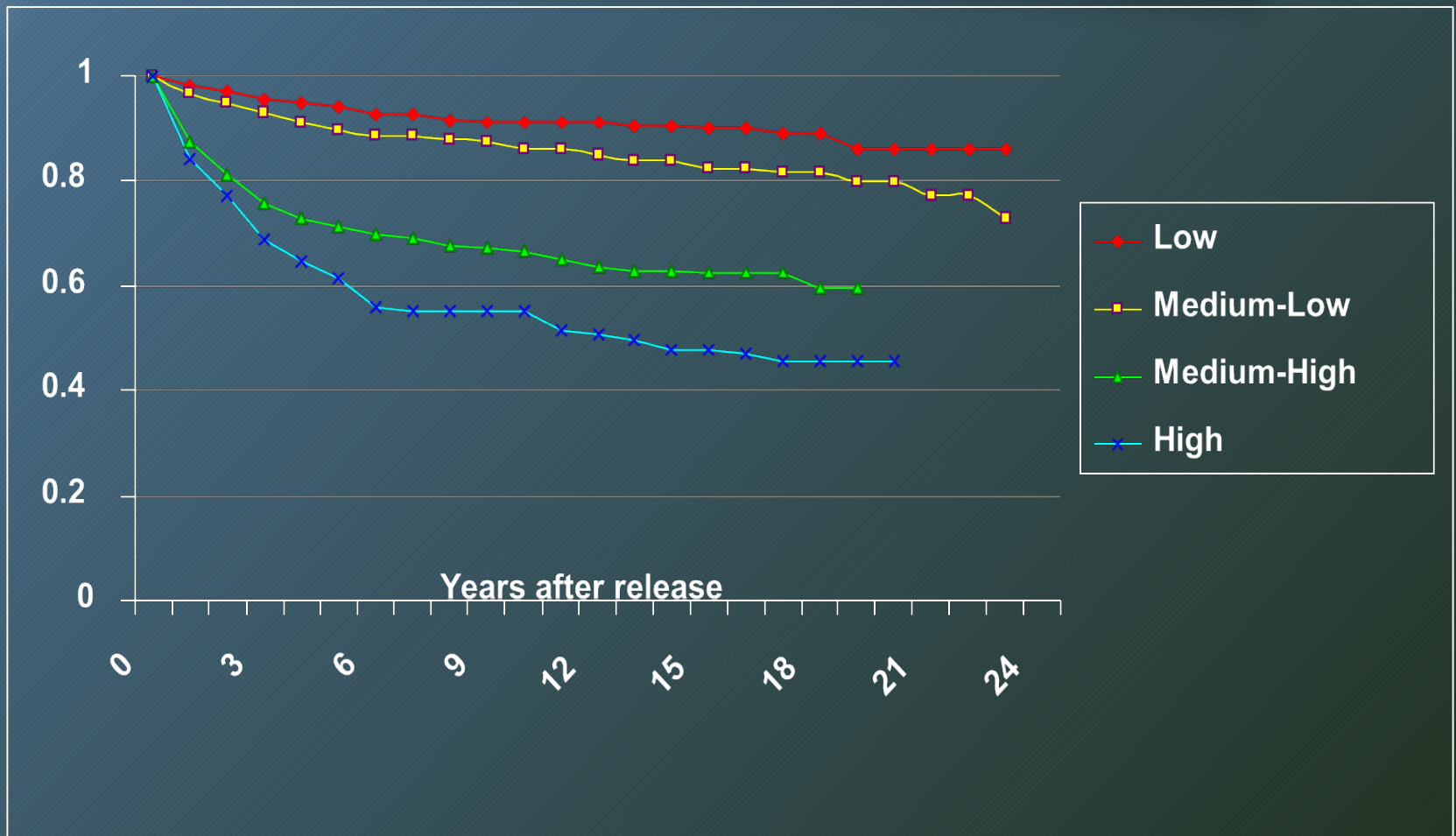
Caveats for Predictive Accuracy: Conscientiousness Effect

Completed All Steps	Did Not Complete All Steps
AUC = .80	AUC = .68

Conscientious Effect

Generalizability

Finding from Static-99R meta-analysis

Relative risk is stable (no significant variability) across diverse samples/settings

Absolute risk varies significantly across samples

The Static-99R Strengths
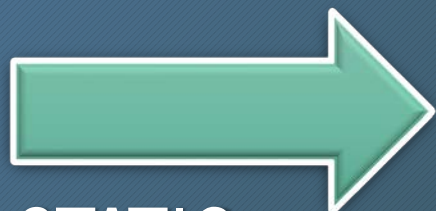
STATIC instruments are rarely if ever challenged in evidentiary hearings in court

- ☑ Explicit scoring rules
- ☑ Relatively objective scoring instrument
- ☑ Empirically derived risk factors
- ☑ Most commonly used actuarial risk assessment for sexual offenders
- ☑ Robustly rank offenders in terms of relative risk

The Static-99R Limitations

❖ Moderate Predictive Accuracy (AU .69-.70)

❖ Does not include all factors that predict sexual offending

❖ Absolute recidivism rates associated with specific risk scores vary across samples making estimates "more complex."

❖ Does not adequately measure general or violent recidivism

❖ Predicts the risk of sexual recidivism at the time of release from the index sex offense.

Item	Risk Factor		Codes		Score
1	Date of Birth	4/5/1993	☐ Age less than 18 ☑ Aged 18-34.99 ☐ Aged 35-39.99 ☐ Aged 40-59.99 ☐ Aged 60+	N/A = 1 = 0 = -1 = -3	1
1	Date of Release from Index Sex Offense	3/29/2018			
1	Age of release from Index Sex Offense?	24			
5	Prior Sex Offenses	Charges: ☐ None ☐ 1-2 ☑ 3-5 ☐ 6+	Convictions: ☐ None ☐ 1 ☑ 2-3 ☐ 4+	= 0 = 1 = 2 = 3 = 4	3
8	Any unrelated victims?		☐ Yes ☐ No	= 0 = 1	
10	Any male victims?		☐ Yes ☐ No	= 0 = 1	

How much riskier is a male who is both young and has prior sex offenses?

-3 through 1	= Low
2, 3	= Low/Moderate
4, 5	= Moderate/High
6 and higher	= High

General Scoring Issues

- Stick to the Coding Rules!
- Consider other assessments to capture external risk factors
- "Over-rides" not related to sexual recidivism or already considered will decrease predictive accuracy

Eligible Offender Populations

The Static 99R is designed to assess risk of sexual recidivism for adult males who have already been charged with or convicted of at least one sex offense against a child or a non-consenting adult.

What about everyone else?

Eligible Offender Populations

Adult Male Sexual Offenders, with at least one "Category A" offense

Male to Female Transgender until the offender has lived as a woman for at least 2 years without a penis

Juvenile offenders who committed the offense at age 17 and released at age 18 or older. Offense is adult like in nature

Ineligible Offender Populations

Juvenile offenders 16 years and less

Adult female offenders

Adult Male Sexual Offenders with only "Category B" offense history

Female to Male transgender individuals

Standards of Proof

Beyond a Reasonable Doubt:

- Highest standard. It requires near certainty and is the standard necessary for criminal convictions.

Clear and Convincing Evidence:

- Higher standard than the Balance of Probabilities, but it is not quite as high as Beyond a Reasonable Doubt.

Balance of Probabilities:

- (Preponderance of Evidence): Lowest standard. It is common in civil cases and basically means "more likely than not," or at least 51% certainty.

Self-Report Criminal History

Sorry, Information is not Available!
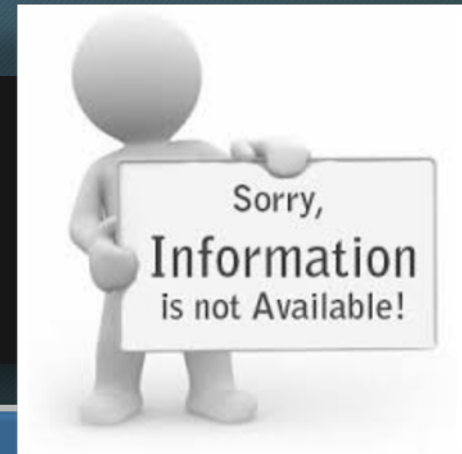
Self-reported information cannot be used to establish criminal history except for:

- ☑ For immigrants and refugees from third world countries
- ☑ Old out-of-state records where confirmation is not possible
- ☑ Self-reported criminal history must meet the clear and convincing threshold
- ☑ Self-report in all other cases cannot be used to establish criminal history
- ☑ Self-report can be used in Items #1, 2, 8-10.

When to use Self-Report

- ✓ To clarify and help determine if an offense was sexually motivated. It must meet the "Clear and Convincing Evidence" rule.
- ✓ If you have charges with no information on convictions you can use self-report if you have "Clear and Convincing Evidence" that it is true.
- ✓ For the Victim Items is generally acceptable if there is a conviction or not. Use the "Balance of Probabilities" standard when scoring victim items.
- ✓ Self-report can be used on items #1, 2 and 8-10.

Polygraph Information

Alternative Fact Detector

Information from polygraph interviews or examinations was not used in the developmental and validation of Static-99R and should therefor not be used to score Static-99R in most cases.

Exclude admissions made:
- In preparation for a polygraph examination,
- During the pre-polygraph interview,
- During a post-test polygraph interview, or
- Subsequent to testing deceptive on a polygraph examination

Even if these admissions are later repeated in treatment or interviews.

Only use polygraph admissions when the information would support a new criminal investigation, essentially a confession

Key Concepts and Definitions for Sex Offenses

How does the Static 99R define a sex offense?

Determining a Sex Offense

Requires a formal criminal justice intervention

- Arrest
- Warrant Issued
- Charge
- Conviction
- Prison Infraction
- Supervision Violation

Is based on illegal sexual behavior, not necessarily the name of the offense

A list of sexual offenses can be found on pages 22-24 of the manual

Category A and B Offenses

Category "A" Offences

- Aggravated Sexual Assault
- Attempted sex offences (Attempted Rape, Attempted Sexual Assault)
- Compelling the commission of any sex offences (bestiality, incest, or sexual assault) or other sexual behavior (e.g., flashing on a webcam), regardless of whether it is compelled in person or via the internet
- Conspiracy to commit a Category "A" sex offence
- Contributing to the delinquency of a minor (where the offence had a sexual element)
- Distributing obscene materials to minors (no economic motive; presume that intent is sexual unless there is clear economic motive)
- Covert photography (victim is person being photographed) for sexual purpose

- Sexual Battery
- Sexual Communication with a Minor
- Sexual Homicide
- Sex offences against animals (Bestiality)
- Sex offences involving dead bodies (Offering an indignity to a dead body)
- Sodomy (includes in concert and with a minor; excludes consenting sexual activity among adults)

- Unlawful sexual intercourse with a minor (unless it falls under the category of consenting sex among similar age peers – see page 76).
- Voyeuristic activity (Trespass by Night)

Category "B" Offences

- Consenting sex with other adults in public places
- Crimes relating to child pornography (possession, selling, transporting, creating where only pre-existing images or digital creation of pornography are used).
- Possession of Child Pornography (digital, child bots, written stories including those that are for the offender's own use and not shared, drawings that did not involve a live child model, avatars)
- Indecent behavior without a sexual motive (e.g., urinating in public)
- Not informing a sexual partner of HIV positive status (even if the charge/conviction indicates a Category "A" offence such as Aggravated Sexual Assault; note this is an exception in which the victim information can be used to score the victim items)
- Polygamy

Category A Offenses

✓ Sexually motivated crime against an identifiable victim

Category B Offenses

✓ No sexual motivation
✓ No identifiable victim
✓ Economic Gain

Sexual Motivation vs. Economic Gain

Economic Gain:

- Offender profits off another offender molesting a child but does not participate in the act. Economic gain only.

- Human Trafficking and Prostitution related offenses are considered crimes of economic gain and are considered Category B offenses

Sexual Motivation:

- Offender asks a another offender to make a video tape while molesting a child, then keeps it for his own personal use.

- Sexually assaults a minor that he is also prostituting.

- Child pornography and sex with a minor is a Category A Sex offense.

Is there Sexual Motivation?

To count an arrest, charge, or conviction as a sex offense, there must be sexual motivation for the offense or the sexual act was clearly part of the commission of the offense.

This may be based on self-report.

Non-Sexual Motivation:
☒ Forcible Confinement
☒ Breaking and Entry (Burglary) for profit
☒ Stalking motivated by sexual jealousy

Sexual Motivation:
☑ Offender follows a woman home, breaks into her house and rapes her, and steals her jewelry. The Breaking and Entry (Burglary) and Rape are sexually motivated. The theft is for profit.

Category A:

Lewd Conduct

(Exposes himself to a group of children)

Category B:

Lewd Conduct

(Public Urination)

Decision Point:

What was the motivation?

Prison Infractions as a Sex Offense

To count a prison infraction as a sex offense the following conditions must be met:

- The behavior must be sufficiently intrusive that a charge for a sex offense would be possible were the offender not already under legal sanction

- Must be sure the sexual misbehavior actually occurred based on Clear and Convincing Evidence

- It is clear that the sanction was in response to the sexual misbehavior based on Clear and Convincing Evidence

- If the sanction was a transfer, the evaluator has to determine that the moved was to a more secure environment, not just a parallel move

Behavior A:

Masturbating in his cell underneath his sheets

Behavior B:

Calls over a correctional officer and purposefully exposes self

Decision Point:

Could this be charged in the community?

Community Supervision Violations as a Sex Offense

To count a community supervision violation as a sex offense the following conditions must be met:

- The behavior could have resulted in a charge/conviction for a sex offense if the offender were not already under legal sanction.

- The behavior must result in a sanction to include an arrest

Behavior A:

Offender is sanctioned for looking at legal pornography involving adult actors

Behavior B:

Offender is sanctioned for possessing illegal pornography after he received nude photographs of a minor

Decision Point:

Could this be charged in the community?

Consenting Sex Between Peers

Statutory Rape ?

Sexting ?

If the following three conditions are met, the behavior would not be considered a sex offense:
- ✓ The "alleged victim" states that the sex was cooperative and has never claimed otherwise
- ✓ The offender had no pre-existing power relationship (e.g., swim instructor, therapist), AND
- ✓ No more than 3 year age difference between offender and "victim" (5 years if offender is obviously of lesser cognitive developmental capacity than victim)

Sexting

Category A

- If sexting is not between consenting similar aged peers and the victim is a minor (can count as a victim)

Category B

- If sexting was between underage peers and it was shared with other peers without consent

Not an offense

- Not a sexual offense if the sexts are consensual and remain solely between two underage peers (sender and receiver)

Sexual Threats

Category A
- <u>Credible</u> threats against <u>identifiable</u> victim

Category B
- Impersonal/generic threats where there is doubt that the threat could realistically be carried out - E.g., anonymous rape threats online

Not an offense
- Non-criminal behaviors that normally would not attract a criminal charge for someone not involved in the criminal justice system, even if the offender gets institutional violation
- E.g., "suck my dick" to a female correctional officer

Truly Imminent Offending

Must meet the "Clear and Convincing Evidence" Rule

An offense is considered Truly Imminent when:

- ☑ A sex offense would have occurred as part of the same behavioral sequence but for the detection and intervention from others

- ☑ Some Parole/Probation violations can be counted as a sex offenses if offending is imminent

- ☑ Impending (minutes to hours)
  - ▪ High bar "naked wrestling game"

Grooming alone does not necessarily equate to truly imminent

Similar Fact Crimes

Well, we're both fruit.
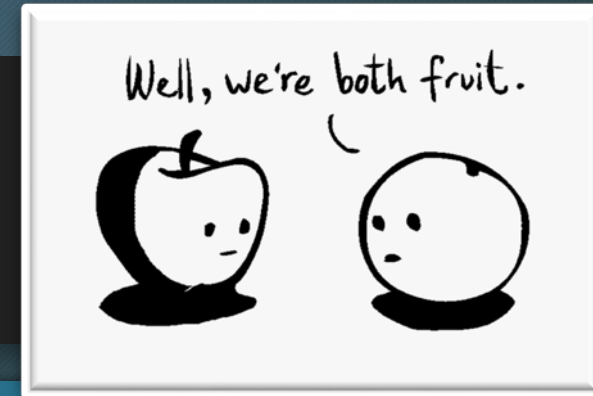
An offense is considered a Similar Fact Crime when:

☑ When an offense does not have a sexual component, but based on the offender's pattern of behavior one can conclude that the offense was sexually motivated.

Example:

An offender is convicted of two counts of Rape 2nd Degree and one count of Assault 2nd Degree. According to the offense details, in all three situations, the offender approached an unknown female and dragged her into bushes. He sexually assaulted the first two women. In the third incident, the woman fought back and was able to escape.

It would be safe to assume that the Assault 2nd Degree was sexually motivated as it resembled his two sexual assaults so closely

Not Considered Sex Offenses for Static 99R

- ❌ Consensual sexual activity in prison
- ❌ Failure to register as a sex offender
- ❌ Presence of children, having child lures, loitering at schools
- ❌ Stalking motivated by sexual jealousy
- ❌ Reports to CPS without criminal charges
- ❌ Questioning by police, but no formal arrest
- ❌ Non-sexual technical violations of parole and probation

The Index Sex Offense

To be considered a SEPARATE offense:

The offender had to sexually reoffend after being detected for the previous behavior.

Most recent sexual offense:
- ☑ Can be an arrest, warrant issued (offender aware of), charge, conviction, parole or probation violation, or institutional rule violation
- ☑ Look for Index Clusters & Pseudo-Recidivism
- ☑ May include multiple victims in multiple jurisdictions
- ☑ Can be a Category "B" Offense if the offender has a prior Category "A" offense

Index Sex Offense Cluster

Spree of offending at the same time or over a period of time. Sentenced as a group at the same time in the same place

Spree of offending at the same time or over a period of time with sentencing in multiple jurisdictions and dates

Types of Clusters

Historical offenses detected after conviction for more recent offense

(Pseudo-Recidivism)

Multiple sexual Institutional Rule Violations that occur on the same sentence collapse together as a cluster

Index Cluster-Spree Single Sentencing Date

Offense	Offense Date	Detection Date (Arrest/Warrant)	Sentencing Date	Release Date
SO A	10/31/10	1/2/11	7/1/12	8/31/16
SO B	11/25/10	1/2/11	7/1/12	8/31/16
SO C	12/24/10	1/2/11	7/1/12	8/31/16
SO D	12/31/10	1/2/11	7/1/12	8/31/16

Offense	Oct 2010	Nov 2010	Dec 2010	2011	2012	2016
SO A	O			D	S	R
SO B		O		D	S	R
SO C			O	D	S	R
SO D			O	D	S	R

Index Cluster-Spree Multiple Sentencing Dates

Offense	Offense Date	Detection Date (Arrest/Warrant)	Sentencing Date	Release Date
SO A	10/31/10	1/2/11	7/1/12	8/31/16
SO B	11/25/10	2/8/11	11/1/12	8/31/16
SO C	12/24/10	1/4/11	11/30/12	8/31/16
SO D	12/31/10	1/2/11	7/1/12	8/31/16

	2010		2011		2012		2016
SO A	O		D		S		R
SO B		O		D		S	R
SO C			O	D			S	R
SO D			O	D		S		R

Index Cluster Pseudo Recidivism

Offense	Offense Date	Detection Date (Arrest/Warrant)	Sentencing Date	Release Date
	10/31/10	10/1/16	1/1/17	8/31/17
SO B	11/25/10	1/4/11	11/1/12	8/31/16
SO C	12/24/10	1/4/11	11/1/12	8/31/16

	2010	2011	2012	2013-2015	2016	2017
SO A	O				D	S R
SO B	O	D	S		R	
SO C	O	D	S		R	

Index Cluster Prison Infractions

All of the infractions (Indecent Exposures) occurred while the inmate served a period of confinement in the Department of Corrections under King County Cause 12-1-10221-2.

Infraction	Infraction Date	Detection Date (Arrest/Warrant)	Disciplinary Hearing Date	Release Date
SO A	1/8/16	1/8/16	2/16/16	7/1/17
SO B	2/1/14	2/1/14	2/19/14	6/3/14
SO C	5/15/13	5/15/13	6/2/13	6/3/14

The infractions group together to form (1) charge (either Index or Prior) and (0) Convictions

Steps to Code the Static 99R

STATIC 99-R (2016 Coding Form)

	Name:		DOC:		

Item	Risk Factor		Codes		Score
1	Date of Birth Date of Release from Index Sex Offense Age of Release from Index Sex Offense?	Enter Dates	Aged less than 18 Aged 18-34.99 Aged 35-39.99 Aged 40-59.99 Aged 60+	= N/A = 1 = 0 = -1 = -3	Enter Dates
2	Ever lived with a lover for at least 2 years?		Unknown Yes No	= 0 = 0 = 1	Make Selection
3	Index Non-Sexual Violence- Any Convictions?		Yes No	= 1 = 0	Make Selection
4	Prior Non-Sexual Violence- Any Convictions?		Yes No	= 1 = 0	Make Selection
5	Prior Sex Offenses?	Charges: None 1-2 3-5 6+	Convictions: None 1 2-3 4+	= 0 = 1 = 2 = 3	Select Charges
6	Four or More Prior Sentencing Dates (excluding Index)?		3 or fewer 4 or more	= 0 = 1	Make Selection
7	Any convictions for non-contact sex offenses?		Yes No	= 1 = 0	Make Selection
8	Any Unrelated Victims?		Yes No	= 1 = 0	Make Selection
9	Any Stranger Victims?		Yes No	= 1 = 0	Make Selection
10	Any Male Victims?		Yes No	= 1 = 0	Make Selection
	Note: For shaded items, self report may be used if credible.		Total Score		Score All Items
			Risk Category		Score All Items

Electronic Signature	Date:	Total Score	Risk Category
		-3 through 1	= Low
		2,3	= Low/Moderate
		4,5	= Moderate/High
Revision: 9/6/2017		6 and higher	= High

Coding the Static
- ☐ Identified Risk Factor
- ☐ No Risk Factor
- ☐ Degree of Risk factor present

Item 1: Age of Release
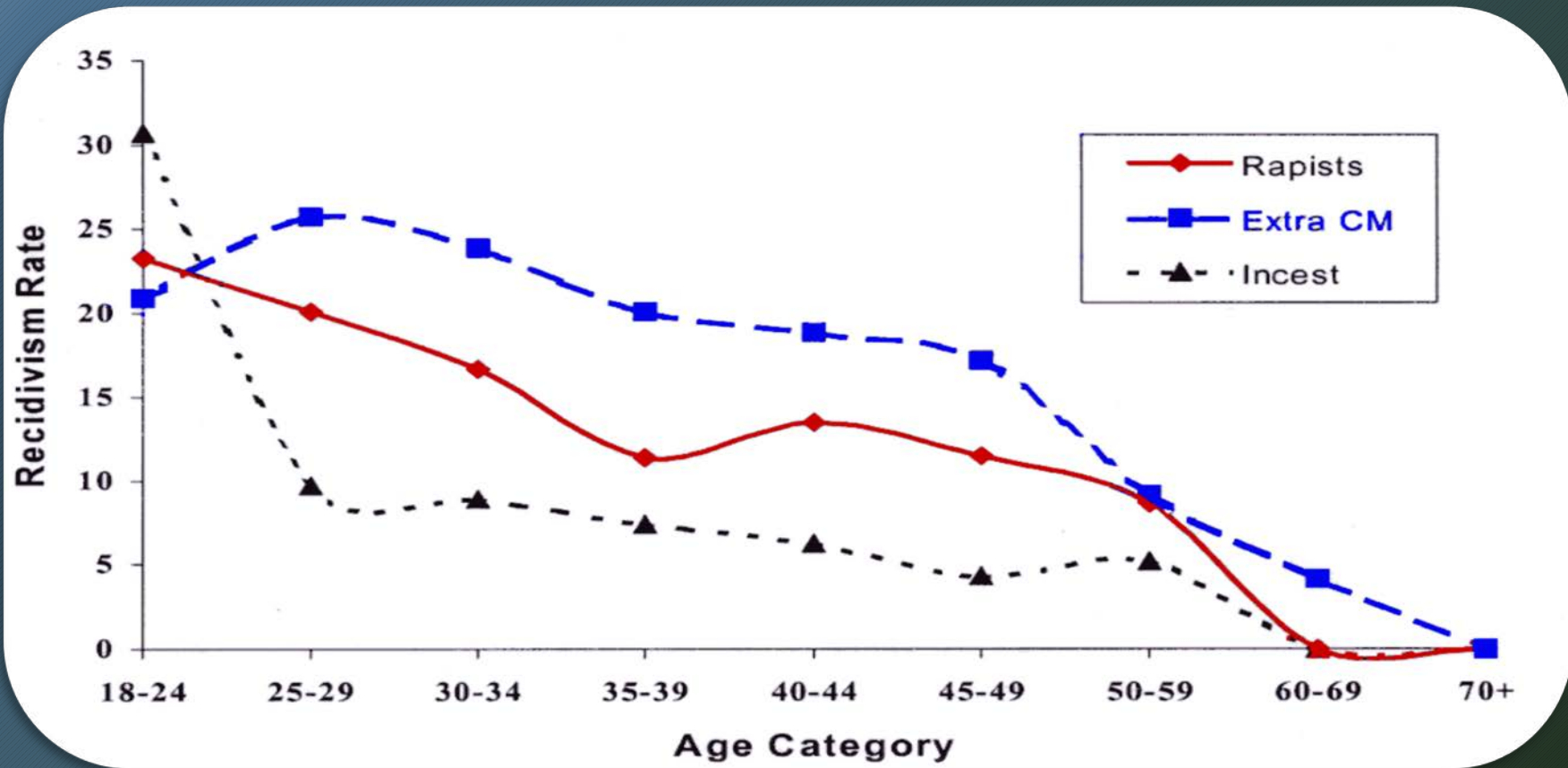
Item 1: Age of Release

Release refers to when the offender is first "free" in the community after the index sex offense is processed and therefore has an opportunity to reoffend.

Released
- On parole or probation
- On GPS monitoring
- Voluntary placement in treatment facility

Not Released
- In custody for Index Offense
- Involuntary committed treatment facility
- At work release

Item 1: Age of Release Special Cases

Index Cluster: Age of release is determined by the last release date of the index cluster

Supervision Revoke: Age of release is determined by the initial release of the index sex offense

Failure to Register: Age of release is determined by the age of release on the index sex offense

New to your jurisdiction: Age of release is determined by the age of release on the index sex offense

Item 1: Age of Release

Inmate DOB: 8/27/1977				
Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO A Sexual Assault	8/1/97	8/1/97	5/10/99 Serve 18 mos	7/30/99

Item	Risk Factor		Codes		Score
1	Date of Birth	8/27/1977	Aged less than 18	= N/A	1
	Date of Release from Index Sex Offense	7/30/1999	Aged 18-34.99	= 1	
	Age of Release from Index Sex Offense?	21	Aged 35-39.99	= 0	
			Aged 40-59.99	= -1	
			Aged 60+	= -3	

Item 1: Age of Release

Inmate DOB: 8/27/1977				
Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO B Failure to Register	2/18/12	2/18/12	6/12/13 12 months 1 day	1/3/13
SO A Sexual Assault	8/1/97	8/1/97	5/10/99 18 months	7/30/99

Item	Risk Factor		Codes		Score
1	Date of Birth	8/27/1977	Aged less than 18	= N/A	1
	Date of Release from Index Sex Offense	7/30/1999	Aged 18-34.99	= 1	
	Age of Release from Index Sex Offense?	21	Aged 35-39.99	= 0	
			Aged 40-59.99	= -1	
			Aged 60+	= -3	

Item 1: Age of Release

Inmate DOB: 8/27/1977				
Offense	**Offense Date**	**Detection Date**	**Sentence Date**	**Release Date**
SO C Voyeurism	3/31/13	3/31/13	Charge Dismissed 5/15/13	5/15/13
SO B Failure to Register	2/18/12	2/18/12	6/12/13 12 months 1 day	1/3/13
SO A Sexual Assault	8/1/97	8/1/97	5/10/99 18 months	7/30/99

Item	Risk Factor		Codes		Score
1	Date of Birth	8/27/1977	Aged less than 18	= N/A	0
	Date of Release from Index Sex Offense	5/15/2013	Aged 18-34.99	= 1	
	Age of Release from Index Sex Offense?	35	Aged 35-39.99	= 0	
			Aged 40-59.99	= -1	
			Aged 60+	= -3	

Item 1: Age of Release

Inmate DOB: 8/27/1977				
Offense	**Offense Date**	**Detection Date**	**Sentence Date**	**Release Date**
SO D Child Molest	9/4/95	8/13/14	7/12/15 45 months	7/19/18
SO C Voyeurism	3/31/13	3/31/13	Charge Dismissed 5/15/13	5/15/13
SO B Failure to Register	2/18/12	2/18/12	6/12/13 12 months 1 day	1/3/13
SO A Sexual Assault	8/1/97	8/1/97	5/10/99 18 months	7/30/99

Item	Risk Factor		Codes		Score
1	Date of Birth	8/27/1977	Aged less than 18	= N/A	-1
	Date of Release from Index Sex Offense	7/19/2018	Aged 18-34.99	= 1	
	Age of Release from Index Sex Offense?	40	Aged 35-39.99	= 0	
			Aged 40-59.99	= -1	
			Aged 60+	= -3	

Item 2: Ever lived with a partner for two years or longer

The relationship must be legal. The quality of the relationship does not matter, though they must have engaged in sexual activity.

Must occur when both people are adults. An adult is defined as being over the age to consent to marry

Must live together for two <u>continuous</u> years

The two years living together must occur <u>prior</u> to the release from the index sex offense to count

Based on the Balance of Probabilities. Use self-report, collateral sources, and official records

Item 2: Ever lived with a partner for two years or longer

What Counts

- Homosexual relationships
- Polyamorous relationships
- Living with his partner at her parents' home
- Lived with his partner, but was deployed
- Offender serves a short jail sentence, <31 days
- Offender sexually assaults partner's children

Item 2: Ever lived with a partner for two years or longer

Does Not Count

- Living together, but homeless
- Roommates who "hook up"
- Living with a "child lover"
- Lived with his partner, served 32+ days in jail
- Lives-in partner was once his child victim
- Sexually offends against his live in partner

Item 2: Ever lived with a partner for two years or longer

Mr. Smith reported no live-in relationships prior to going to prison in 2010. While in prison, he began talking to an old friend from high school. They married in 2011 and he lived with her until his arrest in 2014.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO B Failure to Register	6/14/14	8/1/14	9/8/14 Serve 14 months	6/23/15
SO A Sexual Assault	1/30/10	2/18/10	5/11/10 Serve 18 months	7/18/11

2	**Ever lived with a lover for at least 2 years?**	☐ Unknown ☐ Yes ☑ No	= 0 = 0 = 1	1
	Live in relationship occurred after index sex offense			

Item 2: Ever lived with a partner for two years or longer

Mr. Smith began a live in relationship right after Thanksgiving in 2007. Shortly after moving in, he sexually offended against his girlfriend's children. She told him not to do it again and they continued to live together until his arrest in 2010.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO A Child Molestation	1/30/10	2/18/10	5/11/10 Serve 18 months	7/18/11

2	**Ever lived with a lover for at least 2 years?**	☐ Unknown ☑ Yes ☐ No	= 0 = 0 = 1	0
	Offending against children does not negate living together for two years or longer			

Item 2: Ever lived with a partner for two years or longer

Mr. Smith was married to his wife from 9/8/06-10/18/13. He began living with his future wife in July of 2006. They lived together until his arrest in 2008. After his release from prison in 2011, he regularly cheated on her. The final straw came when he did not come home on 4th of July of 2013. She packed his bags and kicked him out the next morning.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO C Voyeurism	8/30/14	8/30/14	11/18/14 Serve 21 months	1/18/16
SO B Assault 2nd	1/30/08	2/26/08	5/11/10 Serve 42 months	7/18/11
SO A Child Molestation	9/13/99	9/13/99	4/14/00 Serve 28 months	1/18/02

2	Ever lived with a lover for at least 2 years?	☐ Unknown ☐ Yes ☑ No	= 0 = 0 = 1	1
	Although married for 7+ years, did not live together for two consecutive years			

Items 3-7: Key Concepts

Convictions

The following items require a conviction to score:

Item 3	• Index Non-Sexual Violence
Item 4	• Prior Non-Sexual Violence
Item 6	• Prior Sentencing Dates
Item 7	• Non-Contact Sex Offense

Convictions

What is a Conviction?
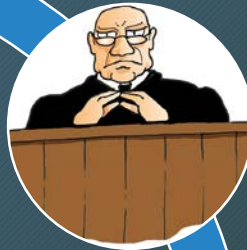
Attends Court

Found guilty

Sanctioned

Convictions

When in doubt, a conviction requires the following:

A court or administrative tribunal using due process

An admission or finding of guilt

"Beyond a Reasonable Doubt" OR "Clear and Convincing Evidence" if not criminal court

A sanction to include:

Probation

Imprisonment

Convictions

The following can counts as convictions:

Juvenile Convictions	Misdemeanors	Suspended Sentences/ Diversion
Not Guilty by Reason of Insanity	Clergy/Military/ Other Professions	Probation before Judgment
Official Cautions	Pardoned Offenses	Stayed Convictions

Charges

The following items require a charge as defined by the Static 99R or conviction to score:

Item 5

- Prior Sex Offense(s)

Charges

Parole/Probation/Community Custody Violations are typically considered charges only.

They can be considered a new conviction only if the following criteria are met:

- Offending behavior must be a criminal offense for those not under sanction
- IF there is court hearing, there needs to be a finding of guilt, and a new sanction imposed
- The sanction for the violation involved custodial time being **ADDED** to the offender's pre-existing sentence.

Separate violation occasions count (but multiple charges laid at same time are considered 1 charge only)

Charges

Prison infractions can count as <u>charges</u> only.

Must meet the following criteria:
- Behavior must be sufficiently intrusive that a charge for a sex offense would be possible if not under legal sanction
- Evaluator must be sure that the sexual behavior occurred based on the Clear and Convincing Evidence threshold
- Evaluator must be clear that the institutional punishment was in response to the sexual behavior based on the Clear and Convincing Evidence threshold

One charge per term, even if multiple instances

Charges

The following can count as a charge:

An Arrest Only

Charges Dismissed by the Court

Charges, but found not guilty

Acquittals

Charges that lead to convictions

Sorting the Criminal History
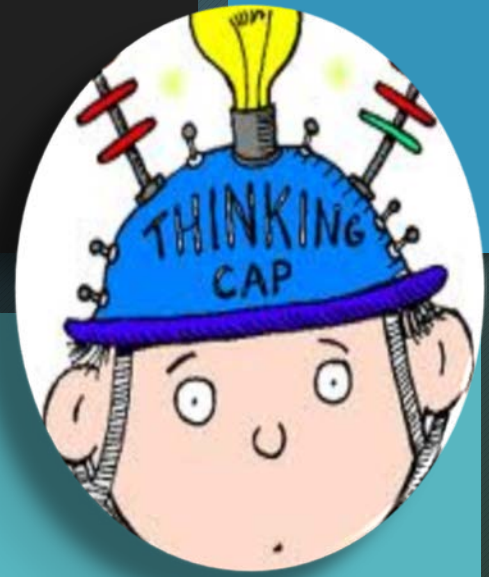
- ✓ Identify the Index Sex Offense

- ✓ Identify Gap 1 and Gap 2

- ✓ Identify Post Index Offenses

- ✓ Identify Prior Offenses

- ✓ Identify Offenses that Cluster with the Index Sex Offense

The Index Sex Offense

To be considered a SEPARATE offense: The offender had to sexually reoffend after being detected for the previous behavior.

Most recent sexual offense:

- ☑ Can be an arrest, charge, conviction, parole or probation violation, or institutional rule violation
- ☑ Look for Index Clusters & Pseudo-Recidivism
- ☑ May include multiple victims in multiple jurisdictions
- ☑ Can be a Category "B" Offense if the offender has a prior Category "A" offense

Index Sex Offense Cluster

Spree of offending at the same time or over a period of time. Sentenced as a group at the same time in the same place

Spree of offending at the same time or over a period of time with sentencing in multiple jurisdictions and dates

Types of Clusters

Historical offenses detected after conviction for more recent offense

(Pseudo-Recidivism)

Multiple sexual Institutional Rule Violations that occur on the same sentence collapse together as a cluster

Index Offense

When determining the index offense, identify three important dates for all sex offense(s):

- ✓ The last date of sexual offending
- ✓ The first date of detection
- ✓ The last date of the criminal justice process

The Index Sex Offense

James Smith sexually offends between 1976 and 1979. He commits a sexual offense in 1992 and is detected and sentenced in 1995. In 2002 he is charged and sentenced for the offenses in the 1970s.

	1976	1979	1985	1990	1992	1995	2000	2002
Sex Offense A	O						D	S
Sex Offense B					O	D	S	

The Index Sex Offense

Richard Jones sexually offends between 1976 and 1979. He commits a sexual offense in 1988 and is arrested and sentenced for that offense in 1989. He commits a sexual offense in 2002 and is arrested for it that same year. Due to publicity for this offense, his victims from the 1970s come forward and he is convicted and sentenced for the 2002 offense as well as the historical offenses from the 1970s.

	1976	1979	1985	1988	1989	1990	2000	2002	
Sex Offense #1	O							D	S
Sex Offense #2				O	D				
Sex Offense #3								O	D	S

Index Offense (Big Bad Bart)

Offense	Offense Date	Detection Date	Sentence Date
Sex Offense A Rape 3rd Degree	12/1/14-12/31/14	3/5/15	9/14/15

	2014	2015	
Sex Offense A	O	D	S

Index Offense (Pseudo Sam)

Offense	Offense Date	Detection Date	Sentence Date
Sex Offense B CT I: Rape 2nd Degree CT II: Rape of a Child 3rd Degree	2/8/05-5/13/05	12/18/14	9/14/15
Sex Offense A CTs I-II: Sexual Abuse CTs III-IV: Dismissed Sex Offense	2/24/05	5/13/05	10/27/05

	2005			2006-2013	2014	2015
Sex Offense B	O				D	S
Sex Offense A	O	D	S			

Index Offense (Crime Spree Carl)

Offense	Offense Date	Detection Date	Sentence Date
Sex Offense C Rape 2nd Degree Rape 1st Degree Rape 2nd Degree	CT I: 6/20/1992 CT II: 10/12/1992 CT III: 10/22/1992	10/27/04	5/17/2005
Sex Offense B Voyeurism	1/21/89	1/21/89	4/27/89
Sex Offense A Indecent Exposure	12/1/86	12/1/86	Dismissed 3/1/87

	1986	1987	1989	1990-1991	1992	1993-2004	2005
SO C					O	D	S
SO B			O D S				
SO A	O D	Dismissed					

Index Offense (Two Town Tony)

Offense	Offense Date	Detection Date	Sentence Date
Sex Offense C CTs I-III: Rape 2nd Degree	CT I: 6/20/1982 CT II: 10/12/1982 CT III: 10/22/1982	10/27/84	5/17/85
Sex Offense B CTs I-II: Rape 1st Degree	CT I: 3/31/83 CT II: 6/4/83	1/8/85	4/18/85
Sex Offense A Rape	7/2/77	7/2/77	9/27/77

	1977	1978-81	1982	1983	1984	1985
SO C			O		D	S
SO B				O		D S
SO A	O D S					

Gap 1 and Gap 2

Index/Cluster Sex Offense Gaps

Index Sex Offenses				
Last Date of Sexual Offending	Gap 1	First Detection Date	Gap 2	Last Date of Criminal Justice processing
	⟷		⟷	
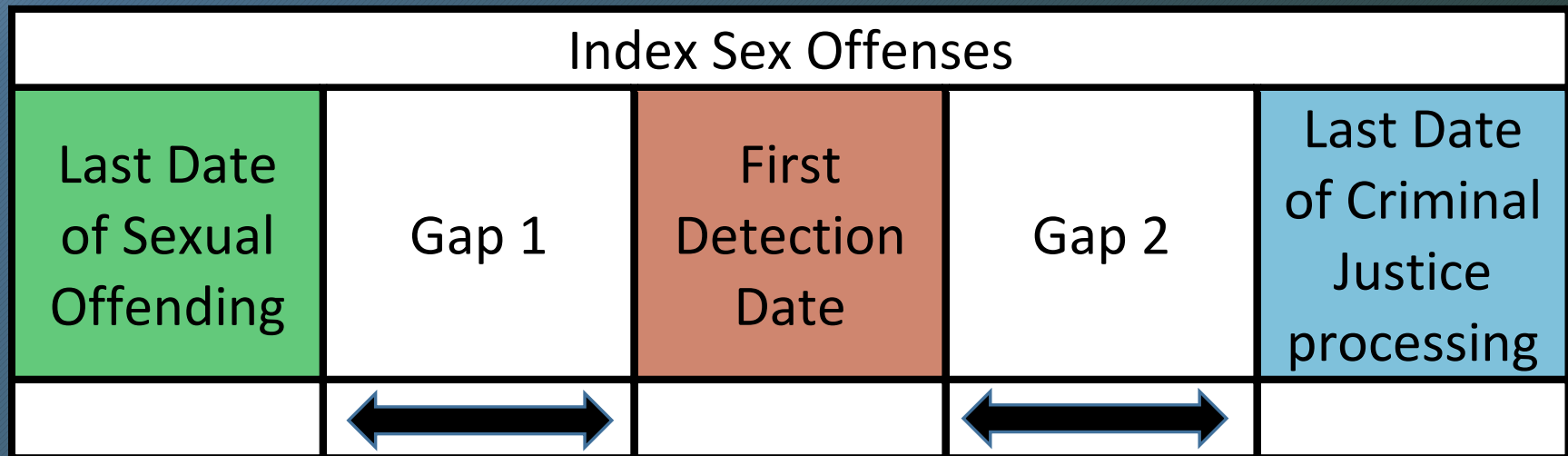
- Gap 1= the dates between the last sex offense behavior and the first date of detection

- Gap 2= The date between the first date of detection and the last date of the criminal justice process

Gap 1 and Gap 2 (Big Bad Bart)

Index Sex Offenses				
Last Date of Sexual Offending	Gap 1	First Detection Date	Gap 2	Last Date of Criminal Justice processing
12/31/14	⟷	3/5/15	⟷	9/14/15

Offense	Offense Date	Detection Date	Sentence
SO A	12/1/14 – 12/31/14	3/5/15	9/14/15

Gap1 and Gap 2 (Pseudo Sam)

Index Sex Offenses				
Last Date of Sexual Offending	Gap 1	First Detection Date	Gap 2	Last Date of Criminal Justice processing
5/13/05	⟵⟶	5/13/05	⟵⟶	9/14/15

Offense	Offense Date	Detection Date	Sentence
SO B	2/8/05-5/13/05	12/18/14	9/14/15
SO A	2/24/05	5/13/05	10/27/05

Gap 1 and Gap 2 (Crime Spree Carl)

Index Sex Offenses				
Last Date of Sexual Offending	Gap 1	First Detection Date	Gap 2	Last Date of Criminal Justice processing
10/22/92	⬌	10/27/04	⬌	5/17/05

Offense	Offense Date	Detection Date	Sentence
SO A Cts. 1-3	Ct. 1: 6/20/92 Ct. 2: 10/12/92 Ct. 3: 10/22/92	10/27/04	5/17/05

Gap 1 and Gap 2 (Two Town Tony)

Index Sex Offenses				
Last Date of Sexual Offending	Gap 1	First Detection Date	Gap 2	Last Date of Criminal Justice processing
6/4/83	⟷	10/27/84	⟷	5/17/85

Offense	Offense Date	Detection Date	Sentence
SO B Cts. 1-2	Ct. 1: 3/31/83 Ct. 2: 6/4/83	1/8/85	5/17/85
SO A Cts. 1-3	Ct. 1: 6/20/82 Ct. 2: 10/12/82 Ct. 3: 10/22/82	10/27/84	5/17/85

The Index Sex Offense(s) and Gaps 1 and 2
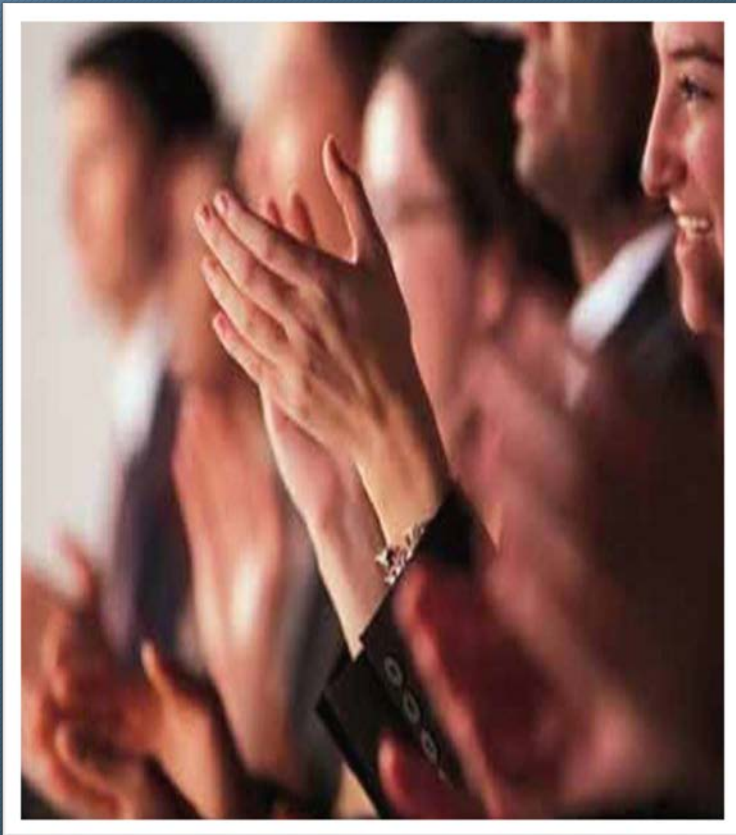
Any Questions?

Sort the Remaining Criminal History
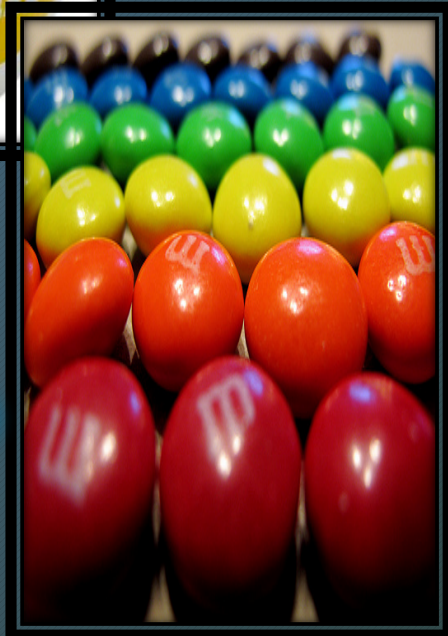
Now Identify

✓ Post Index Offenses

✓ Prior Offenses

✓ Clustering Offenses

Sort the Remaining Criminal History

Prior to coding the criminal history:

1. List the criminal history
   - Sex Offenses: Include both the charges and convictions.
   - Non-Sex Offense: Just include the convictions.

2. Sort the criminal history by sentencing date, with the most recent sentencing date on top.

Sort the Remaining Criminal History

To code the criminal history you will need to identify:

Was there a conviction per the Static 99R coding rules

When did the crime occur
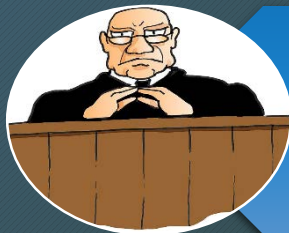
When did sentencing occur

Post-Index Offenses

An offense is consider Post Index if the entirety of the **criminal behavior** occurred after GAP 2.

Index Sex Offenses				
Last Date of Sexual Offending	Gap 1	First Detection Date	Gap 2	Last Date of Criminal Justice processing
6/4/83	⟷	10/27/84	⟷	5/17/85

Post-Index offenses are considered external to the Static 99R and do not score.

Offense	Offense Date	Detection Date	Sentence	Coding Score
Other B	6/1/85	8/4/85	9/5/85	Post Index
SO A	6/4/83	10/27/84	5/17/85	Index

Post-Index Offenses
(Big Bad Bart)

Index Sex Offense(s)				
Last Date Of Sexual Offending	GAP 1	First Detection Date	GAP 2	Last Date Of Criminal Justice Processing
12/23/14		**3/5/15**		**9/14//15**

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
1/19/18				X	3/25/18				X		Theft	☐Post ☐Index ☐Prior	
1/21/17				X	2/14/18				X		DWLS	☐Post ☐Index ☐Prior	
3/19/15					3/1/16						Harassment	☐Post ☐Index ☐Prior	
9/1/13					9/13/14						Assault 4th Degree	☐Post ☐Index ☐Prior	
4/14/12					3/18/13						DUI	☐Post ☐Index ☐Prior	

Post-Index Offenses
(Big Bad Bart)

Index Sex Offense(s)				
Last Date Of Sexual Offending	GAP 1	First Detection Date	GAP 2	Last Date Of Criminal Justice Processing
12/23/14		3/5/15		9/14/15

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
1/19/18				X					X		Theft	Post	
1/21/17				X					X		DWLS	Post	
3/19/15					3/1/16						Harassment		
9/1/13					9/13/14						Assault 4th Degree		
4/14/12					3/18/13						DUI		

Post-Index Offenses (Pseudo Sam)

Index Sex Offense(s)				
Last Date Of Sexual Offending **5/13/05**	**GAP 1**	First Detection Date **5/13/05**	**GAP 2**	Last Date Of Criminal Justice Processing **9/14/15**

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
8/30/14					10/21/15						POCS-Meth		
3/7/15					8/5/15						Mal Mischief		
5/18/07					5/30/10						Assault 2nd Degree		
10/7/09					1/13/10						DWLS		
4/25/07					12/10/07						POCS-Meth		

Post-Index Offenses (Crime Spree Carl)

Index Sex Offense(s)				
Last Date Of Sexual Offending	GAP 1	First Detection Date	GAP 2	Last Date Of Criminal Justice Processing
10/22/92		**10/27/04**		**5/17/05**

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
4/10/06				X					X		Assault 2nd Degree	Post	
3/1/99					3/7/00						Residential Burglary		
12/9/98					1/31/99						Residential Burglary		
8/20/93					8/21/94						Escape		
1/26/93					7/21/94						POCS-Meth		

Post-Index Offenses (Two Town Tony)

Index Sex Offense(s)				
Last Date Of Sexual Offending **6/4/83**	GAP 1	First Detection Date **10/27/84**	GAP 2	Last Date Of Criminal Justice Processing **5/17/85**

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
4/10/14				X	←				X		Failure to Register	Post	
3/1/02				X	←				X		Failure to Register	Post	
10/1/83					9/1/85						Robbery		
8/4/83					9/18/83						DUI		
8/23/82					3/24/83						Assault 4th Degree		

Prior Offenses

Prior Offenses are used to score multiple items on the Static 99R

When reviewing the criminal history, identify all sentencing dates that occurred prior to GAP 1 of the index sex offense. All of these will be coded as Priors.

Prior Offenses (Big Bad Bart)

Index Sex Offense(s)				
Last Date Of Sexual Offending

12/23/14 | GAP 1 | First Detection Date

3/5/15 | GAP 2 | Last Date Of Criminal Justice Processing

9/14/15 |

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
1/19/18				X	3/25/18				X		Theft	POST	
1/21/17				X	2/14/18				X		DWLS	POST	
3/19/15					3/1/16						Harassment		
9/1/13					9/13/14						Assault 4th Degree		
4/14/12					3/18/13						DUI		
5/16/12					1/11/13						DWLS		
4/16/12					8/20/12						Resisting Arrest		
4/11/11					11/16/11						POCS-Meth		
8/20/09					8/3/10						Obstruction		
4/4/09					8/1/10						DWLS		

Prior Offenses (Big Bad Bart)

Index Sex Offense(s)				
Last Date Of Sexual Offending 12/23/14	GAP 1	First Detection Date 3/5/15	GAP 2	Last Date Of Criminal Justice Processing 9/14/15

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
1/19/18				X	3/25/18				X		Theft	POST	
1/21/17				X	2/14/18				X		DWLS	POST	
3/19/15					3/1/16						Harassment		
9/1/13	X				9/13/14	X					Assault 4th Degree	PRIOR	
4/14/12	X				3/18/13	X					DUI	PRIOR	
5/16/12	X				1/11/13	X					DWLS	PRIOR	
4/16/12	X				8/20/12	X					Resisting Arrest	PRIOR	
4/11/11	X				11/16/11	X					POCS-Meth	PRIOR	
8/20/09	X				8/3/10	X					Obstruction	PRIOR	
4/4/09	X				8/1/10	X					DWLS	PRIOR	

Prior Offenses (Pseudo Sam)

Index Sex Offense(s)				
Last Date Of Sexual Offending 5/13/05	GAP 1	First Detection Date 5/13/05	GAP 2	Last Date Of Criminal Justice Processing 9/14/15

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
8/30/14					10/21/15						POCS-Meth		
3/7/15					8/5/15						Mal Mischief		
5/18/07					5/30/10						Assault 2nd Degree		
10/7/09					1/13/10						DWLS		
4/25/07					12/10/07						POCS-Meth		
1/28/07					8/29/07						DWLS		
10/9/06					1/5/07						POCS-Marijuana		
7/21/02	X				2/21/03	X					Attempt to Elude	PRIOR	
12/8/98	X				2/17/99	X					Burglary	PRIOR	

Prior Offenses (Crime Spree Carl)

Index Sex Offense(s)				
Last Date Of Sexual Offending **10/22/92**	**GAP 1**	First Detection Date **10/27/04**	**GAP 2**	Last Date Of Criminal Justice Processing **5/17/05**

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
4/10/06				X	11/18/06				X		Assault 2nd Degree	POST	
3/1/99					3/7/00						Residential Burglary		
12/9/98					1/31/99						Residential Burglary		
8/20/93					8/21/94						Escape		
1/26/93					7/21/94						POCS-Meth		
9/17/92					7/21/94						Burglary 1st Degree		
5/4/93					7/1/93						Theft 3rd Degree		
1/21/89	X				4/27/89	X				Voyeurism	Voyeurism	PRIOR	
12/1/86	X				NA	X				Indecent Exposure	NA-Charges Dropped	PRIOR	
7/6/76	X				7/29/77	X					Robbery	PRIOR	

Prior Offenses
(Two Town Tony)

Index Sex Offense(s)				
Last Date Of Sexual Offending	GAP 1	First Detection Date	GAP 2	Last Date Of Criminal Justice Processing
6/4/83		10/27/84		5/17/85

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
4/10/14				X	11/18/14				X		Failure to Register	Post	
3/1/02				X	3/7/03				X		Failure to Register	Post	
10/1/83					9/1/85						Robbery		
8/4/83					9/18/83						DUI		
8/23/82	X				3/24/83	X					Assault 4th Degree	Prior	
7/2/77	X				9/27/77	X				Rape	Rape	Prior	
5/22/70	X				6/18/71	X					POCS-Heroin	Prior	
12/8/68	X				1/18/70	X					Assault 3rd Degree	Prior	

Sort the Remaining Criminal History

Identify if there are any remaining offenses that meet one of the following three criteria:

> ➢ The offense behavior and sentence occurred in GAP 2
> ➢ The sentence occurred in GAP 2, but the offense behavior occurred prior to GAP 2
> ➢ The sentence occurred after GAP 2, but the offense behavior occurred in or prior to GAP 2

All offenses that meet at least one of the above criteria are considered part of the index sex offense cluster. All other remaining criminal history would be considered priors.

If none of the remaining criminal history meets one of the above criteria, move to the next step.

Sort the Remaining Criminal History

If there are no behaviors and/or convictions in GAP 2, then review the remaining criminal history for distinct sentencing occasion(s) that occurred in GAP 1

- If there is only one distinct sentencing occasion that occurred in GAP 1, then it would cluster with the index sex offense

- If there are multiple distinct sentencing occasions that occurred in GAP 1, then the most recent sentencing occasion would cluster with the index sex offense. All other sentencing occasions in GAP 1 would be considered priors

Remaining Offenses (Big Bad Bart)

Index Sex Offense(s)				
Last Date Of Sexual Offending **12/23/14**	GAP 1	First Detection Date **3/5/15**	GAP 2	Last Date Of Criminal Justice Processing **9/14/15**

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
1/19/18				X	3/25/18				X		Theft	POST	
1/21/17				X	2/14/18				X		DWLS	POST	
3/19/15					3/1/16						Harassment		
9/1/13	X				9/13/14	X					Assault 4th Degree	PRIOR	
4/14/12	X				3/18/13	X					DUI	PRIOR	
5/16/12	X				1/11/13	X					DWLS	PRIOR	
4/16/12	X				8/20/12	X					Resisting Arrest	PRIOR	
4/11/11	X				11/16/11	X					POCS-Meth	PRIOR	
8/20/09	X				8/3/10	X					Obstruction	PRIOR	
4/4/09	X				8/1/10	X					DWLS	PRIOR	

Remaining Offenses (Big Bad Bart)

Index Sex Offense(s)				
Last Date Of Sexual Offending 12/23/14	GAP 1	First Detection Date 3/5/15	GAP 2	Last Date Of Criminal Justice Processing 9/14/15

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
1/19/18				X	3/25/18				X		Theft	POST	
1/21/17				X	2/14/18				X		DWLS	POST	
3/19/15			X		3/1/16				X		Harassment	INDEX	
9/1/13	X				9/13/14	X					Assault 4th Degree	PRIOR	
4/14/12	X				3/18/13	X					DUI	PRIOR	
5/16/12	X				1/11/13	X					DWLS	PRIOR	
4/16/12	X				8/20/12	X					Resisting Arrest	PRIOR	
4/11/11	X				11/16/11	X					POCS-Meth	PRIOR	
8/20/09	X				8/3/10	X					Obstruction	PRIOR	
4/4/09	X				8/1/10	X					DWLS	PRIOR	

Remaining Offenses (Pseudo Sam)

Index Sex Offense(s)				
Last Date Of Sexual Offending 5/13/05	GAP 1	First Detection Date 5/13/05	GAP 2	Last Date Of Criminal Justice Processing 9/14/15

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
8/30/14			X		10/21/15			X			POCS-Meth	INDEX	
3/7/15			X		8/5/15			X			Mal Mischief	INDEX	
5/18/07			X		5/30/10			X			Assault 2nd Degree	INDEX	
10/7/09			X		1/13/10			X			DWLS	INDEX	
4/25/07			X		12/10/07			X			POCS-Meth	INDEX	
1/28/07			X		8/29/07			X			DWLS	INDEX	
10/9/06			X		1/5/07			X			POCS-Marijuana	INDEX	
7/21/02	X				2/21/03	X					Attempt to Elude	PRIOR	
12/8/98	X				2/17/99	X					Burglary	PRIOR	

Remaining Offenses (Crime Spree Carl)

Index Sex Offense(s)												
Last Date Of Sexual Offending **10/22/92**					GAP 1				First Detection Date **10/27/04**		GAP 2	Last Date Of Criminal Justice Processing **5/17/05**
Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
4/10/06				X	11/18/06				X		Assault 2nd Degree	POST	
3/1/99		X			3/7/00		X				Residential Burglary	INDEX	
12/9/98		X			1/31/99		X				Residential Burglary	PRIOR	
8/20/93		X			8/21/94		X				Escape	PRIOR	
1/26/93		X			7/21/94		X				POCS-Meth	PRIOR	
9/17/92		X			7/21/94		X				Burglary 1st Degree	PRIOR	
5/4/93		X			7/1/93		X				Theft 3rd Degree	PRIOR	
1/21/89	X				4/27/89	X				Voyeurism	Voyeurism	PRIOR	
12/1/86	X				NA	X				Indecent Exposure	NA-Charges Dropped	PRIOR	
7/6/76	X				7/29/77	X					Robbery	PRIOR	

Note: The "Charge (List for Sex Offenses)", "Crime Title" columns span two header columns each in layout.

Remaining Offenses (Two Town Tony)

Index Sex Offense(s)				
Last Date Of Sexual Offending	GAP 1	First Detection Date	GAP 2	Last Date Of Criminal Justice Processing
6/4/83		10/27/84		5/17/85

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
4/10/14				X	11/18/14				X		Failure to Register	POST	
3/1/02				X	3/7/03				X		Failure to Register	POST	
10/1/83		X			9/1/85				X		Robbery	INDEX	
8/4/83		X			9/18/83		X				DUI	PRIOR	
8/23/82	X				3/24/83	X					Assault 4th Degree	PRIOR	
7/2/77	X				9/27/77	X				Rape	Rape	PRIOR	
5/22/70	X				6/18/71	X					POCS-Heroin	PRIOR	
12/8/68	X				1/18/70	X					Assault 3rd Degree	PRIOR	

The Index Sex Offense(s) and Gaps 1 and 2

Any Questions?

Items 3 and 4
Non-Sexual Violence

Must meet the Static 99R definition of a conviction

Must meet the Static 99R definition of Non-Sexual Violence

A list of Non-Sexual Violence crimes are listed on page 53

If not contained on the list, review crimes definition, which must contain a mandatory component of force, touching, threats, and/or behavior that leads to concern for one's safety

Items 3 and 4: Non-Sexual Violence

What Counts	
	Arson
	Assault
	Assault of a Child
	Assault of a Police Officer
	Any Attempt at a Violent Offense
	Cruelty to Animals
	Domestic Violence Court Order Violation
	Give Noxious Substance to Impair
	Harassment

Items 3 and 4: Non-Sexual Violence

What Counts
Kidnapping
Manslaughter
Murder
Robbery
Threatening
Unlawful Imprisonment
Using/Pointing a Weapon during an Offense
Violation of a Protections Order

Items 3 and 4:
Non-Sexual Violence

Does Not Count

- Arrests and Charges
- Convictions Overturned on Appeal
- Post-Index Non-Sexual Violence
- Institutional Rule Violations
- Driving Accidents Causing Death or Injury
- Resisting Arrest (Unless convicted of Assault)

Items 3 and 4
Non-Sexual Violence vs Sex Offenses

	Non-Sexual Violence Items 3 and 4	Sexual Offenses Index and Item 5
Do offense details determine if you can count the offense?	Offense details are not reviewed. The offense can have sexual elements, but the conviction crime title is what matters. Cannot include registerable sex offenses	Yes, review offense details to determine if the offense was sexually motivated or had sexual elements. If there are these elements, then you can count as a sex offense.
Does the crime of conviction determine if you can count the offense?	Name of the conviction crime title must indicate violence. Cannot include registerable sex offenses.	Name of the offense does not matter
What can count?	Convictions only	Arrests, charges, or convictions

Items 3 and 4
"Double Dipping Rule"

If the behavior was sexual but the offender was convicted of non-sexual violence, the same conviction counts as both a sexual offense and non-sexual violence offense, examples:

- Murder
- Kidnapping
- Battery
- Assault
- False Imprisonment

Items 3 and 4 "Double Dipping Rule"

2 for 1

Example: Mr. Smith is arrested and initially charged with Rape 2nd Degree and he eventually pleads to the following convictions:

Conviction Title	Count As
Rape 2nd Degree	Sex Offense Only
Assault 2nd Degree with Sexual Motivation	Sex Offense Only
Assault 2nd Degree	Sex Offense and Non-Sexual Violence

Item 3:
Index Non-Sexual Violence

Step 1:

Sort Criminal History

Step 2:

Review convictions marked as index

Review index sex offense as index

Step 3:

Determine if any of these convictions meet the Static 99R definition of Non-Sexual Violence

Step 4:

- If yes, score 1 point
- If no, score 0 points

Item 4:
Prior Non-Sexual Violence

Step 1:

Sort Criminal History

Step 2:

Review convictions marked as priors

Step 3:

Determine if any of these convictions meet the Static 99R definition of Non-Sexual Violence

Step 4:

- If yes, score 1 point
- If no, score 0 points

Item 3 and Item 4
(Big Bad Bart)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
1/19/18				X	3/25/18				X		Theft	POST	
1/21/17				X	2/14/18				X		DWLS	POST	
3/19/15			X		3/1/16				X		Harassment	INDEX	
9/1/13	X				9/13/14	X					Assault 4th Degree	PRIOR	
4/14/12	X				3/18/13	X					DUI	PRIOR	
5/16/12	X				1/11/13	X					DWLS	PRIOR	
4/16/12	X				8/20/12	X					Resisting Arrest	PRIOR	
4/11/11	X				11/16/11	X					POCS-Meth	PRIOR	
8/20/09	X				8/3/10	X					Obstruction	PRIOR	
4/4/09	X				8/1/10	X					DWLS	PRIOR	

Item 3 and Item 4 (Big Bad Bart)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
3/19/15			X		3/1/16				X		Harassment	INDEX	
9/1/13	X				9/13/14	X					Assault 4th Degree	PRIOR	

3	**Index Non-Sexual Violence- Any Convictions?**	☑ Yes ☐ No	= 1 = 0	1
	Harassment			
4	**Prior Non-Sexual Violence- Any Convictions?**	☑ Yes ☐ No	= 1 = 0	1
	Assault 4th Degree			

Item 3 and Item 4 (Pseudo Sam)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
8/30/14			X		10/21/15			X			POCS-Meth	INDEX	
3/7/15			X		8/5/15			X			Mal Mischief	INDEX	
5/18/07			X		5/30/10			X			Assault 2nd Degree	INDEX	
10/7/09			X		1/13/10			X			DWLS	INDEX	
4/25/07			X		12/10/07			X			POCS-Meth	INDEX	
1/28/07			X		8/29/07			X			DWLS	INDEX	
10/9/06			X		1/5/07			X			POCS-Marijuana	INDEX	
7/21/02	X				2/21/03	X					Attempt to Elude	PRIOR	
12/8/98	X				2/17/99	X					Burglary	PRIOR	

Item 3 and Item 4 (Pseudo Sam)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
5/18/07			X		5/30/10			X			Assault 2nd Degree	INDEX	
7/21/02	X				2/21/03	X					Attempt to Elude	PRIOR	
12/8/98	X				2/17/99	X					Burglary	PRIOR	

3	**Index Non-Sexual Violence- Any Convictions?**	☑ Yes ☐ No	= 1 = 0	1
	Assault 2nd Degree			
4	**Prior Non-Sexual Violence- Any Convictions?**	☐ Yes ☑ No	= 1 = 0	0

Item 3 and Item 4 (Crime Spree Carl)

Index Sex Offense(s)				
Last Date Of Sexual Offending **10/22/92**	GAP 1	First Detection Date **10/27/04**	GAP 2	Last Date Of Criminal Justice Processing **5/17/05**

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
4/10/06				X	11/18/06				X		Assault 2nd Degree	POST	
3/1/99		X			3/7/00		X				Residential Burglary	INDEX	
12/9/98		X			1/31/99		X				Residential Burglary	PRIOR	
8/20/93		X			8/21/94		X				Escape	PRIOR	
1/26/93		X			7/21/94		X				POCS-Meth	PRIOR	
9/17/92		X			7/21/94		X				Burglary 1st Degree	PRIOR	
5/4/93		X			7/1/93		X				Theft 3rd Degree	PRIOR	
1/21/89	X				4/27/89	X				Voyeurism	Voyeurism	PRIOR	
12/1/86	X				NA	X				Indecent Exposure	NA-Charges Dropped	PRIOR	
7/6/76	X				7/29/77	X					Robbery	PRIOR	

Item 3 and Item 4 (Crime Spree Carl)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
3/1/99		X			3/7/00		X				Residential Burglary	INDEX	
7/6/76	X				7/29/77	X					Robbery	PRIOR	

3	**Index Non-Sexual Violence- Any Convictions?**	☐ Yes ☑ No	= 1 = 0	0
4	**Prior Non-Sexual Violence- Any Convictions?**	☑ Yes ☐ No	= 1 = 0	1
	Robbery			

Item 3 and Item 4 (Two Town Tony)

| Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
4/10/14				X	11/18/14				X		Failure to Register	POST	
3/1/02				X	3/7/03				X		Failure to Register	POST	
10/1/83		X			9/1/85				X		Robbery	INDEX	
8/4/83		X			9/18/83		X				DUI	PRIOR	
8/23/82	X				3/24/83	X					Assault 4th Degree	PRIOR	
7/2/77	X				9/27/77	X				Rape	Rape	PRIOR	
5/22/70	X				6/18/71	X					POCS-Heroin	PRIOR	
12/8/68	X				1/18/70	X					Assault 3rd Degree	PRIOR	

Item 3 and Item 4 (Two Town Tony)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
10/1/83		X			9/1/85				X		Robbery	INDEX	
8/23/82	X				3/24/83	X					Assault 4th Degree	PRIOR	
12/8/68	X				1/18/70	X					Assault 3rd Degree	PRIOR	

3	**Index Non-Sexual Violence- Any Convictions?**	☑ Yes ☐ No	= 1 = 0	1
	Robbery			
4	**Prior Non-Sexual Violence- Any Convictions?**	☑ Yes ☐ No	= 1 = 0	1
	Assault 3rd and Assault 4th			

Item 5: Prior Sex Offenses

"The best predictor of future behavior is past behavior" (Thorndike, 1911)
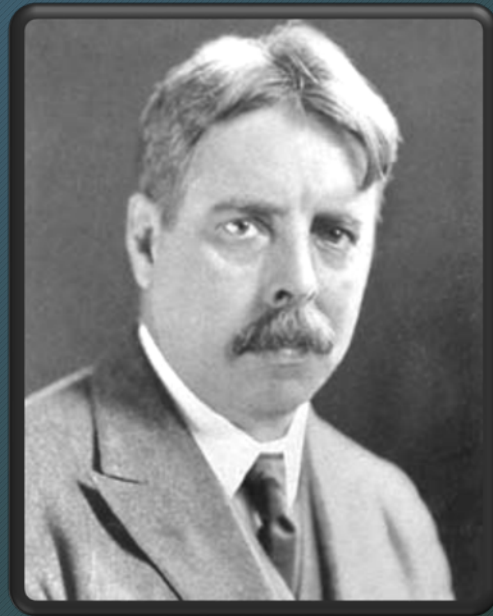
Item 5: Prior Sex Offenses

The Basic Rules:

- ✓ Not scored on a simple "0" or "1" dichotomy
- ✓ Charges and convictions are summed separately
- ✓ Charges which do not result in a conviction are counted
- ✓ Each conviction is also counted as a charge

Charges	Convictions	Score
0	0	0 points
1-2	1	1 points
3-5	2-3	2 points
6+	4+	3 points

Determining a Prior Sex Offense

Requires a formal criminal justice intervention

- Arrest
- Warrant Issued
- Charge
- Conviction
- Prison Infraction
- Supervision Violation

Is based on illegal sexual behavior, not necessarily the name of the offense

A list of sexual offenses can be found on pages 22-24 of the manual

Can include both juvenile and adult offenses

Not Considered a Prior Sex Offense for the Static 99R

- ❌ Consensual sexual activity in prison

- ❌ Failure to register as a sex offender

- ❌ Presence of children, having child lures, loitering at schools

- ❌ Stalking motivated by sexual jealousy

- ❌ Reports to CPS without criminal charges

- ❌ Questioning by police, but no formal arrest

- ❌ Non-sexual technical violations of parole and probation

Item 5: Prior Sex Offenses

Counting Charges

- Based on the most recent charging document

- An arrest only counts as 1 charge

- Count all charges that were dismissed, found not guilty, or overturned on appeal

- All convictions count as a charge

- Infractions equal one charge per prison term

- Supervision violations equal one charge per violation report

Item 5: Prior Sex Offenses

Counting Convictions

- Deferred sentences count as a conviction

- Not Guilty by Reason of Insanity count as a conviction

- Pardoned or expunged offenses count as a conviction

- Military sanctions counts as a conviction

- Stayed sentences count as a conviction

- Suspended sentences count as a conviction

Item 5: Prior Sex Offenses Juvenile Sex Offenses

Sexual behaviors occurring at age 11 or younger

- These crimes are not counted as priors even if found criminally responsible

Crimes committed by juveniles between 12 and 17 and are processed through the social service system

- Age 12 to 15: Placement/transfer to a secure setting counts as 1 charge, only 1 charge in this time period even if multiple moves
- 16 and older: Each time is counted as a separate charge

Crimes committed by juveniles between 12 and 17 and are processed through the criminal justice system

- Sum charges and convictions the same as you would for adult offenses

Item 5: Prior Sex Offenses

Step 1	Step 2	Step 3	Step 4
• Sort Criminal History	• Review charges and convictions marked as prior	• Determine if any of these charges or convictions meet the Static 99R definition of a sex offense	• Tally the number of charges • Tally the number of convictions • Score is based on the higher number

Item 5
(Big Bad Bart)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
9/1/13	X				9/13/14	X					Assault 4th Degree	PRIOR	
4/14/12	X				3/18/13	X					DUI	PRIOR	
5/16/12	X				1/11/13	X					DWLS	PRIOR	
4/16/12	X				8/20/12	X					Resisting Arrest	PRIOR	
4/11/11	X				11/16/11	X					POCS-Meth	PRIOR	
8/20/09	X				8/3/10	X					Obstruction	PRIOR	
4/4/09	X				8/1/10	X					DWLS	PRIOR	

5	**Prior Sex Offenses?**	Charges:	Convictions:		0
		☑ None	☑ None	= 0	
		☐ 1-2	☐ 1	= 1	
		☐ 3-5	☐ 2-3	= 2	
		☐ 6+	☐ 4+	= 3	

Item 5
(Pseudo Sam)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
7/21/02	X				2/21/03	X					Attempt to Elude	PRIOR	
12/8/98	X				2/17/99	X					Burglary	PRIOR	

5	**Prior Sex Offenses?**	Charges:	Convictions:		0
		☑ None	☑ None	= 0	
		☐ 1-2	☐ 1	= 1	
		☐ 3-5	☐ 2-3	= 2	
		☐ 6+	☐ 4+	= 3	

Item 5
(Crime Spree Carl)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
12/9/98		X			1/31/99		X				Residential Burglary	PRIOR	
8/20/93		X			8/21/94		X				Escape	PRIOR	
1/26/93		X			7/21/94		X				POCS-Meth	PRIOR	
9/17/92		X			7/21/94		X				Burglary 1st Degree	PRIOR	
5/4/93		X			7/1/93		X				Theft 3rd Degree	PRIOR	
1/21/89	X				4/27/89	X				Voyeurism	Voyeurism	PRIOR	
12/1/86	X				NA	X				Indecent Exposure	NA-Charges Dropped	PRIOR	
7/6/76	X				7/29/77	X					Robbery	PRIOR	

5	**Prior Sex Offenses?**	Charges:	Convictions:		1
		☐ None	☐ None	= 0	
		☑ 1-2	☑ 1	= 1	
		☐ 3-5	☐ 2-3	= 2	
		☐ 6+	☐ 4+	= 3	
	Two charges and One Conviction				

Item 5
(Two Town Tony)

Offense Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Sentence Date	Pre Gap 1	Gap 1	Gap 2	Post Gap 2	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
8/4/83		X			9/18/83		X				DUI	PRIOR	
8/23/82	X				3/24/83	X					Assault 4th Degree	PRIOR	
7/2/77	X				9/27/77	X				Rape	Rape	PRIOR	
5/22/70	X				6/18/71	X					POCS-Heroin	PRIOR	
12/8/68	X				1/18/70	X					Assault 3rd Degree	PRIOR	

5	**Prior Sex Offenses?**	Charges:	Convictions:		1
		☐ None	☐ None	= 0	
		☑ 1-2	☑ 1	= 1	
		☐ 3-5	☐ 2-3	= 2	
		☐ 6+	☐ 4+	= 3	
	One Charge and One Conviction				

Item #6
Prior Sentencing Occasions

Must meet the Static 99R definition of a conviction

To count as a distinct sentencing occasion, the individual must re-offend after being sanctioned for a previous offense

Can count both prior sex offense convictions and non-sex related convictions

Only tally offenses that have been identified as priors, do not count index or post-index offenses

Item 6: Prior Sentencing Occasions

Step 1
- Sort criminal history and identify prior convictions
- Sort priors convictions by sentencing date

Step 2
- Working from the earliest sentencing date, review offense dates that occurred prior to that sentencing date
- All offense dates that occurred prior to that sentencing date create one distinct sentencing occasion

Step 3
- Locate the next available sentencing date
- Determine what remaining convictions occurred prior to that sentencing date
- All offenses that occurred prior will create the next distinct sentencing occasion

Step 4
- Perform the previous step for the remaining convictions identified as priors.
- Continue until you have four distinct sentencing occasions or you have reviewed all convictions labeled as priors

Item 6: Prior Sentencing Occasions

Step 1: Sort prior convictions by sentencing dates

Offense Date	Sentence Date	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
2/1/12	9/4/15		Harassment	Prior	
1/11/11	7/5/14		Protection Order Violation	Prior	
4/22/09	9/5/12		Theft 3rd Degree	Prior	
4/2/12	6/1/12		Possession of a Firearm	Prior	
4/30/09	5/4/11		Failure to Register	Prior	
10/2/08	1/24/09		Robbery 2nd Degree	Prior	
3/8/08	6/15/08		Possession of Meth	Prior	
1/4/08	1/6/08		Failure to Register	Prior	
9/1/07	1/5/08		Stalking	Prior	
6/5/06	7/1/06		DWLS	Prior	
2/6/04	2/8/04		Protection Order Violation	Prior	
2/5/04	2/7/04		DUI	Prior	
6/13/02	12/30/02	Communication with a Minor	Communication with a Minor	Prior	

Item 6: Prior Sentencing Occasions

Step 2: Identify the earliest sentencing date and any offenses that occurred prior to that date

Offense Date	Sentence Date	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
2/1/12	9/4/15		Harassment	Prior	
1/11/11	7/5/14		Protection Order Violation	Prior	
4/22/09	9/5/12		Theft 3rd Degree	Prior	
4/2/12	6/1/12		Possession of a Firearm	Prior	
4/30/09	5/4/11		Failure to Register	Prior	
10/2/08	1/24/09		Robbery 2nd Degree	Prior	
3/8/08	6/15/08		Possession of Meth	Prior	
1/4/08	1/6/08		Failure to Register	Prior	
9/1/07	1/5/08		Stalking	Prior	
6/5/06	7/1/06		DWLS	Prior	
2/6/04	2/8/04		Protection Order Violation	Prior	
2/5/04	2/7/04		DUI	Prior	
6/13/02	12/30/02	Communication with a Minor	Communication with a Minor	Prior	1

Item 6: Prior Sentencing Occasions

Step 3: Identify the next available sentencing date and any offenses that occurred prior to that date

Offense Date	Sentence Date	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
2/1/12	9/4/15		Harassment	Prior	
1/11/11	7/5/14		Protection Order Violation	Prior	
4/22/09	9/5/12		Theft 3rd Degree	Prior	
4/2/12	6/1/12		Possession of a Firearm	Prior	
4/30/09	5/4/11		Failure to Register	Prior	
10/2/08	1/24/09		Robbery 2nd Degree	Prior	
3/8/08	6/15/08		Possession of Meth	Prior	
1/4/08	1/6/08		Failure to Register	Prior	
9/1/07	1/5/08		Stalking	Prior	
6/5/06	7/1/06		DWLS	Prior	
2/6/04	2/8/04		Protection Order Violation	Prior	2
2/5/04	2/7/04		DUI	Prior	2
6/13/02	12/30/02	Communication with a Minor	Communication with a Minor	Prior	1

Item 6: Prior Sentencing Occasions

Step 4: Complete the previous step for the remaining criminal history

Offense Date	Sentence Date	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
2/1/12	9/4/15		Harassment	Prior	8
1/11/11	7/5/14		Protection Order Violation	Prior	8
4/22/09	9/5/12		Theft 3rd Degree	Prior	8
4/2/12	6/1/12		Possession of a Firearm	Prior	8
4/30/09	5/4/11		Failure to Register	Prior	7
10/2/08	1/24/09		Robbery 2nd Degree	Prior	6
3/8/08	6/15/08		Possession of Meth	Prior	5
1/4/08	1/6/08		Failure to Register	Prior	4
9/1/07	1/5/08		Stalking	Prior	4
6/5/06	7/1/06		DWLS	Prior	3
2/6/04	2/8/04		Protection Order Violation	Prior	2
2/5/04	2/7/04		DUI	Prior	2
6/13/02	12/30/02	Communication with a Minor	Communication with a Minor	Prior	1

Item 6
(Big Bad Bart)

Offense Date	Sentence Date	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
9/1/13	9/13/14		Assault 4th Degree	☒Prior	4
4/14/12	3/18/13		DUI	☒Prior	3
5/16/12	1/11/13		DWLS	☒Prior	3
4/16/12	8/20/12		Resisting Arrest	☒Prior	3
4/11/11	11/16/11		POCS-Meth	☒Prior	2
8/20/09	8/3/10		Obstruction	☒Prior	1
4/4/09	8/1/10		DWLS	☒Prior	1

| 6 | **Four or More Prior Sentencing Dates (excluding Index)?** | ☐ 3 or fewer | = 0 | 1 |
| | | ☑ 4 or more | = 1 | |

Item 6
(Pseudo Sam)

Offense Date	Sentence Date	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
7/21/02	2/21/03		Attempt to Elude	☒Prior	2
12/8/98	2/17/99		Burglary	☒Prior	1

| 6 | **Four or More Prior Sentencing Dates (excluding Index)?** | ☑ 3 or fewer | = 0 | 0 |
| | | ☐ 4 or more | = 1 | |

Item 6
(Crime Spree Carl)

Offense Date	Sentence Date	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
12/9/98	1/31/99		Residential Burglary	☒Prior	5
8/20/93	8/21/94		Escape	☒Prior	4
1/26/93	7/21/94		POCS-Meth	☒Prior	3
9/17/92	7/21/94		Burglary 1st Degree	☒Prior	3
5/4/93	7/1/93		Theft 3rd Degree	☒Prior	3
1/21/89	4/27/89	Voyeurism	Voyeurism	☒Prior	2
12/1/86	NA	Indecent Exposure	NA-Charges Dropped	☒Prior	NA
7/6/76	7/29/77		Robbery	☒Prior	1

6	**Four or More Prior Sentencing Dates (excluding Index)?**	☐ 3 or fewer	= 0	1
		☑ 4 or more	= 1	

Item 6
(Two Town Tony)

Offense Date	Sentence Date	Charge (List for Sex Offenses)	Crime Title	Coding Score	Sent. Occ.
8/4/83	9/18/83		DUI	☒Prior	5
8/23/82	3/24/83		Assault 4th Degree	☒Prior	4
7/2/77	9/27/77	Rape	Rape	☒Prior	3
5/22/70	6/18/71		POCS-Heroin	☒Prior	2
12/8/68	1/18/70		Assault 3rd Degree	☒Prior	1

| 6 | **Four or More Prior Sentencing Dates (excluding Index)?** | ☐ 3 or fewer | = 0 | 1 |
| | | ☑ 4 or more | = 1 | |

Item 7: Non-Contact Sex Offenses

Item 7: Non-Contact Sex Offense Convictions

- Must meet the Static 99R definition of a conviction

- The offense can either be part of the index sex offense or a prior sex offense

- The behavior determines if it counts as a non-contact sex offense, not the name of the criminal conviction

- The conviction must address only the non-contact sex offense behavior

Item 7: Non-Contact Sex Offense Convictions

A non-contact sex offense is any illegal sexual act where the offender did not touch the victim and either:

1 The victim was not coerced into anything beyond perceiving the offense

OR

2 No attempt was made by the offender to make the victim aware that they were being victimized

Item 7: Non-Contact Sex Offense Convictions

Considered Non-Contact Sex Offenses:

- ✓ Exhibitionism
- ✓ Obscene Telephone Calls
- ✓ Voyeurism
- ✓ Theft of Underwear
- ✓ Urinating in Public
- ✓ Sexual Talk over the Internet
- ✓ Viewing child pornography online

Item 7: Non-Contact Sex Offense Convictions

Considered Contact Sex Offenses:

- Compelling the commission of a sex offense
- Positioning someone to watch a sex offense
- Coerce/threaten a victim to engage in sexual acts
- Manipulate a child under 16 to engage in sexual acts
- Creating or directing child pornography
- Trying to meet a child for sex
- Paying to view a child being sexually abused live or content to be created

Item 7: Non-Contact Sex Offense Convictions

Do not include:

- ❌ Arrest or charges
- ❌ Prison infractions
- ❌ Community Custody Violations
- ❌ Prostitution related offenses
- ❌ Contact sex offenses pled down to a non-contact sex offense
- ❌ Attempted contact sex offenses
- ❌ Convictions that include both contact and non-contact behaviors

Item 7: Non-Contact Sex Offense Convictions

On 8/1/97, Mr. Smith sexually assaulted a 14 year old female. When his belongings were searched, nude pictures of the victim were found. Mr. Smith was charged and convicted of sexual assault.

On 3/31/13, Mr. Smith was located outside a sorority peeking through a window. Charged with Voyeurism, but the charge was later dismissed.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO B Voyeurism	3/31/13	3/31/13	Charge Dismissed 5/15/13	5/5/13
SO A Sexual Assault	8/1/97	8/1/97	5/10/99 18 months	7/30/99

7	**Any convictions for non-contact sex offenses?**	☐ Yes ☑ No	= 1 = 0	0
	Requires a conviction. Conviction needs to only include the non-contact sex offense behavior			

Item 7: Non-Contact Sex Offense Convictions

On 8/1/97, Mr. Smith was leaving a rock concert. He went down an alley and urinated. A police officer was walking by and witnessed the act. Mr. Smith was ticketed and eventually got 6 months of probation.

On 3/31/13, Mr. Smith sexually offended against his step-daughter. He was convicted and sentenced to 36 months confinement.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO B Child Molest	3/31/13	3/31/13	5/15/13 36 Months	8/8/15
SO A Urinating in Public	8/1/97	8/1/97	5/10/99 Deferred	5/10/99

7	Any convictions for non-contact sex offenses?	☑ Yes ☐ No	= 1 = 0	1
	Urinating in Public counts as a non-contact sex offense, even with no sexual motivation			

Item 7: Non-Contact Sex Offense Convictions

On 3/31/13, Mr. Smith was on the internet and responded to an ad. He began emailing someone whom he believed was a 12 year old boy. Their talk turned sexual and they began discussing plans to meet up. On 4/5/13, Mr. Smith went to the meet location and was arrested by law enforcement. Mr. Smith pled guilty to one count of Communication with a Minor for Immoral Purposes

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO A Communication with a Minor	3/31/13-4/5/13	4/5/13	5/15/13 36 Months	8/8/15

7	**Any convictions for non-contact sex offenses?**	☐ Yes	= 1	0
		☑ No	= 0	
	Went to the location and attempted to meet the victim. Conviction inlcudes both non-contact and attempted contact			

Items 8, 9, and 10: Victim Questions

Item 8
Unrelated Victim

Item 9
Stranger Victim

Item 10
Male Victim

Items 8, 9, and 10: Victim Questions

Included Victims

- Children
- Non-Consenting Adults
- Deceased Individuals
- Non-Disclosure of HIV+ Status
- Sting Operations

Not Considered Victims

- Animals
- Accidental Victims
- Category B offenses (child pornography, prostitution, non-sexually motivated offenses)
- Victims restrained to access sex offense victim

Items 8, 9, and 10: Victim Questions

Based on all credible information

Official Records

Collateral Sources

Offender Self-Report
Non-Polygraph Disclosures

Victim Reports

Victim Items are scored based on the Balance of Probabilities

Item 8: Unrelated Victim

Unrelated Victims

- Step-Relationships and Adopted Relationships, onset of sexual abuse within the first two years of the relationship
- Spouse (married/common law), onset of sexual abuse within the first two years of the relationship
- Unaware the victim is a family member
- Sexually offends a family member within the first 24 hours of meeting them

Related Victims

- Relationships to close for marriage
- Step-Relationships and Adopted Relationships, onset of sexual abuse after the first two years of the relationship
- Been living with the victim in a family/paternal/fraternal role for two years prior to onset of sexual abuse

Item 8: Unrelated Victim

In the following tables, relationships in red and underlined are considered related for scoring purposes

Item 8: Unrelated Victim

	1st Degree	2nd Degree	3rd Degree	4th Degree	
				great-great grandparents	Generation 4
			great-grandparents		Generation 3
		grandparents		great uncle/aunt	Generation 2
	parent/parent's spouse		uncle/aunt		Generation 1
offender		sibling		first cousin	Offender's Generation
	child/child's spouse		nephew/niece		Generation 1
		grandchild		great nephew/niece	Generation 2
			great-grandchildren		Generation 3
				great-great grandchildren	Generation 4

Item 8: Unrelated Victim

	1st Degree	2nd Degree	3rd Degree	
			great-grandparent	Generation 3
		grandparents		Generation 2
	parent/parent's spouse		uncle/aunt	Generation 1
offender's spouse		sibling		Offender's Generation
	child/child's spouse		nephew/niece	Generation 1
		grandchild		Generation 2
			great-grandchild	Generation 3

Item 8: Unrelated Victim

	1st Degree	2nd Degree	
		grandparents	Generation 2
	parents		Generation 1
offender's sibling's spouse		sibling	Offender's Generation
	child		Generation 1
		grandchild	Generation 2

Item 8: Unrelated Victim

2014 - Mr. Smith molested his step-grandchild, Mary. Mr. Smith and Betty married in April of 2012. In March of 2013, Betty and Mr. Smith took Mary in to raise her. He sexually assaulted Mary in August of 2014

1990-1992 - Mr. Smith raped his girlfriend, Nancy. Mr. Smith met Nancy in June of 1988 and they immediately began living together at that time. In August of 1992, Mr. Smith was arrested for sexually assaulting Nancy. When she was interviewed, she reported he had previously sexually assaulted her in the early morning hours of New Years in 1990. When confronted with this information, Mr. Smith said that the earlier attack may have occurred.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO B Child Molest	8/29/14	9/18/14	1/15/15 36 Months	11/16/16
SO A Indecent Liberties	1990-1992	8/1/92	2/13/93 24 Months	3/1/94

8	**Any Unrelated Victims?**	☑ Yes ☐ No	= 1 = 0	1
	Mary (related), step relationship for 2 years or longer. Nancy (unrelated), 1st offense within 2 years of living together			

Item 8: Unrelated Victim

2014 - Mr. Smith was staying the night at his sister's home. His niece, Susan, had a friend, Patty, over to spend the night. During the early morning hours, Mr. Smith woke up and molested Susan. The next morning, Susan reported the incident to her mother and law enforcement was contacted. Mr. Smith was later arrested and convicted for sexually assaulting Susan. Law enforcement interviewed Patty and she did not report being touched by Mr. Smith. While in treatment, Mr. Smith reported that he had also sexually assaulted Patty while she was sleeping. Mr. Smith was never charged for touching Patty.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO A Child Molest	1/29/14	3/18/14	2/13/15 60 Months	8/14/18

8	**Any Unrelated Victims?**	☑ Yes	= 1	1
		☐ No	= 0	
	Score based on all credible information to include self-report. Mr. Smith self-reported Patty being a victim			

Item 9: Stranger Victim

Stranger Victims

- Sex offense happens within the first 24 hours of "knowing" each other. "Knowing" does need to involve some interaction
- Internet offenses, the sexual offense (lewd pictures/talk) occurs within the first 24 hours of chatting
- Internet offenses, the offender completely mispresents themselves by age and/or gender
- Sexually offends a family member within the first 24 hours of meeting each other

Known Victims

- Sex offense happens 24 hours after first knowing each other. Knowing each other requires a slight degree of interaction. They have had to say "hi" to each other, but do not need to know their name or other personal information
- Internet offenses, if the sexual offense happens after 24 hours of first speaking to each other (email, chats)

Item 9: Stranger Victim

2014 – Mr. Smith was spending the day at a local neighborhood park. He saw a girl he had met from the neighborhood go over to the restrooms. Mr. Smith followed her into the restroom. When she exited the stall, Mr. Smith had his pants down and exposed his penis to her. Mr. Smith acted like he was in the wrong restroom and apologized. Law enforcement was contacted and Mr. Smith was eventually arrested after admitting he purposefully exposed himself to the victim. When the victim was interviewed, she did not know Mr. Smith by name. She reported that she had seen him at the park before and had previously petted his dog.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO A Indecent Exposure	6/29/14	7/18/14	2/13/15 21 Months	8/14/15

9	**Any Stranger Victims?**	☐ Yes ☑ No	= 1 = 0	0
	Based on the Balance of Probabilities, the victim had interracted with Mr. Smith before due to petting his dog			

Item 9: Stranger Victim

2014 - Mr. Smith molested his step-daughter, Mary, after living with her for a year.
2010 – Mr. Smith was trading and viewing child pornography. When his hard drive was examined, there were over 4,000 images and videos. Mr. Smith reported he collected the images and had never been directly involved with producing them or met the victims.
2006 – Mr. Smith was walking home. He realized he had to use the restroom and went to the side of a house to urinate.   The homeowner, who did not know Mr. Smith, called the police.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO C-2014	1/29/14	3/18/14	2/13/15-5 years	11/16/18
SO B-2010	1/1/10	1/1/10	5/14/10-4 years	3/1/13
SO A-2006	4/12/06	4/12/06	5/14/06-Probation	5/14/06

9	**Any Stranger Victims?**	☐ Yes ☑ No	= 1 = 0	0
	Child Pornography and Urinating in Public are both Category B offenses, cannot score them as victims			

Item 9: Stranger Victim

2014 - Mr. Smith, a famous musician, was performing a concert at the Tacoma Dome. Suzy, a big fan of Mr. Smith, had won backstage passes for the concert. Suzy had never met Mr. Smith before and was excited to tell him how much she loved him and his music. While hanging out backstage, Mr. Smith asked Suzy if she wanted to take a look at his tour bus. She agreed and when inside, Mr. Smith forced her to perform oral sex on him. She eventually reported the incident to police and Mr. Smith was arrested.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO A Rape 2nd Degree	1/29/14	3/18/14	2/13/15 36 Months	8/14/17

| 9 | **Any Stranger Victims?** | ☑ Yes | = 1 | 1 |
| | | ☐ No | = 0 | |

Although Suzy knew a lot about Mr. Smith, the sexual assault occurred within 24 hours of first meeting each other

Item 10: Male Victim

Male Victim

- Category A offenses (child pornography where the offender created it with a real live male child)
- Sting Operations, if the offender believes he is talking to or meeting up with a male victim
- Clear evidence of targeting a male in a mixed gender group
- Forces a male to watch a sexual assault if it is part of his sexual fantasy/sexual motivation

Not a Male Victim

- Category B offenses (child pornography depicting males)
- Exposure and voyeurism against a mixed gender group, no indication he was targeting the males in the group
- Assaults/confines a male in order to access the female victim

Item 10: Male Victim

2014 - Mr. Smith sexually assaulted his niece, Susan. Susan reported the behavior and Mr. Smith was eventually arrested. He participated in a Psychosexual Evaluation for SSOSA consideration. As part of the evaluation, he underwent a polygraph examination. In the pre-test interview, Mr. Smith admitted touching a boy when he was a camp counselor. Mr. Smith was sentenced under SSOSA. During his treatment sessions he again reported the male victim and also reported the male victim in future disclosure statements. Mr. Smith never provided additional information about the identity of the male victim.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO A Child Molestation	1/29/14	3/18/14	2/13/15 36 Months	8/14/17

10	Any Male Victims?	☐ Yes ☑ No	= 1 = 0	0
	Cannot count victim information if first reported as part of a polygraph examination			

Item 10: Male Victim

2014 – Mr. Smith broke into a residence and sexually assaulted an unknown woman. While the assault occurred, the woman yelled out for help. On three occasions, the victim's young son walked into the room and witnessed his mom being sexually assaulted. In each incident, Mr. Smith yelled at the boy to leave the room. Eventually Mr. Smith grabbed the boy and locked him in the bathroom.   Law enforcement later interviewed the boy, who reported seeing Mr. Smith and was frightened by the experience.

Offense	Offense Date	Detection Date	Sentence Date	Release Date
SO A Rape 2nd Degree	1/29/14	3/18/14	2/13/15 36 Months	8/14/17

10	**Any Male Victims?**	☐ Yes ☑ No	= 1 = 0	0
	The boy was an accidental victim and would not count			

Reporting Risk

Nominal Risk Categories

Absolute Risk Estimates

HIGH RISK AREA

Percentiles

Relative Risk Ratio

Nominal Risk Categories

Static Score
-3 to 1

- Low Risk

Static Score
2 to 3

- Low-Moderate Risk

Static Score
4 to 5

- Moderate-High Risk

Static Score
6+

- High Risk

Nominal Risk Categories

Static Score -3 to -2	Static Score -1 to 0	Static Score 1 to 3	Static Score 4 to 5	Static Score 6+
• Level I—Very Low Risk	• Level II—Below Average Risk	• Level III—Average Risk	• Level IVa—Above Average Risk	• Level IVb—Well Above Average Risk
• 5% of Routine Canadian Sexual Offenders	• 16% of Routine Canadian Sexual Offenders	• 49% of Routine Canadian Sexual Offenders	• 21% of Routine Canadian Sexual Offenders	• 8% of Routine Canadian Sexual Offenders

Notification Categories

Total Score	Baseline Notification Level
-3 to 3	Level I—Low risk to sexually reoffend within the community at large)
4 to 5	Level II—Moderate risk to sexually reoffend within the community at large
6+	Level III—High risk to sexually reoffend within the community at large

Percentile Ranks

Estimated Percentiles for Canadian Sex Offenders

Static-99R Score	Percentile Rank defined as mid-point average		Observed Percentages		
	Percentile	95% CI	Below	Same	Higher
-3	1.3	0 – 2.9	0	2.7	97.3
-2	4.2	2.4 – 6.1	2.7	3.0	94.3
-1	9.7	5.7 – 13.9	5.7	7.9	86.4
0	18.7	13.4 – 24.1	13.6	10.3	76.1
1	31.7	23.8 – 39.7	23.9	15.7	60.4
2	48.3	39.5 – 57.1	39.6	17.5	42.9
3	65.7	57.0 – 74.3	57.1	17.2	25.7
4	79.6	74.0 – 85.1	74.3	10.7	15.0
5	88.7	84.6 – 92.5	85.0	7.4	7.6
6	94.2	91.9 – 96.2	92.4	3.6	4.0
7	97.2	95.6 – 98.6	96.0	2.5	1.5
8	99.1	98.2 – 99.8	98.5	1.2	0.3
9	99.9	99.5 – 100.0	99.7	0.28	0.02
10+	99.99	99.8 – 100.0	99.98	0.02	0

Percentile ranks describe the offender's risk in comparison to other sexual offenders. Because some offenders have the same scores, there are different ways of reporting percentile ranks (% higher, % lower, mid-point average). Absolute recidivism rates cannot be inferred from percentile rankings.

Percentile Ranks
Writing Example

Static-99R Score	Percentile Rank defined as mid-point average		Observed Percentages		
	Percentile	95% CI	Below	Same	Higher
0	18.7	13.4 – 24.1	13.6	10.3	76.1

Mr. XX's Static-99R score was 0. In routine correctional samples, this score represents the 19th percentile, defined as a mid-point average (14% have a lower score, 76% have a higher score, and 10% have the same score). In other words, out of 100 sexual offenders, 14 would have a lower score, 10 would have the same score, and 76 would have a higher score. With the 95% confidence interval, the score could span the 13th to 24th percentile.

Relative Risk Ratios

Relative Risk Ratios

Static-99R Score	Frequency (*n*)	Relative Risk Ratio
-3	73	0.19
-2	105	0.26
-1	384	0.37
0	473	0.52
1	565	0.72
2	599	1.00
3	598	1.39
4	491	1.94
5	333	2.70
6	209	3.77
7	120	5.25
8+	87	7.32

Note: Risk ratios were calculated from hazard ratios based on Cox regression coefficients derived from entering the continuous (i.e., unclumped) Static-99R scores (β = 0.332; SE = .022), with sample as strata (k = 8, n = 4,037). Due to small sample size, risk ratios are not presented for Static-99R scores greater than 8. The analyses were based on routine (i.e., relatively unselected) correctional samples.

Risk ratios describe differences between recidivism rates. For Static-99R, risk ratios compare the expected recidivism rate for offenders with a particular score, to the expected recidivism rate of offenders in the middle of the risk distribution. The middle of the risk distribution is defined as the rate for offenders having the median score (2). Risk ratios for Static-99R are reasonably stable across follow-up times and jurisdictions.

Relative Risk Ratios
Writing Example

Static-99R Score	Frequency (n)	Relative Risk Ratio
1	565	0.72

Mr. XX had a Static-99R score of 1. On average, offenders with this score have a sexual recidivism rate that is 3/4 the rate of offenders in the middle of the risk distribution.

Static-99R Score	Frequency (n)	Relative Risk Ratio
2	599	1.00

Mr. XX had a Static-99R score of 2. On average, offenders with this score have a sexual recidivism rate that is the same as the rate of offenders in the middle of the risk distribution.
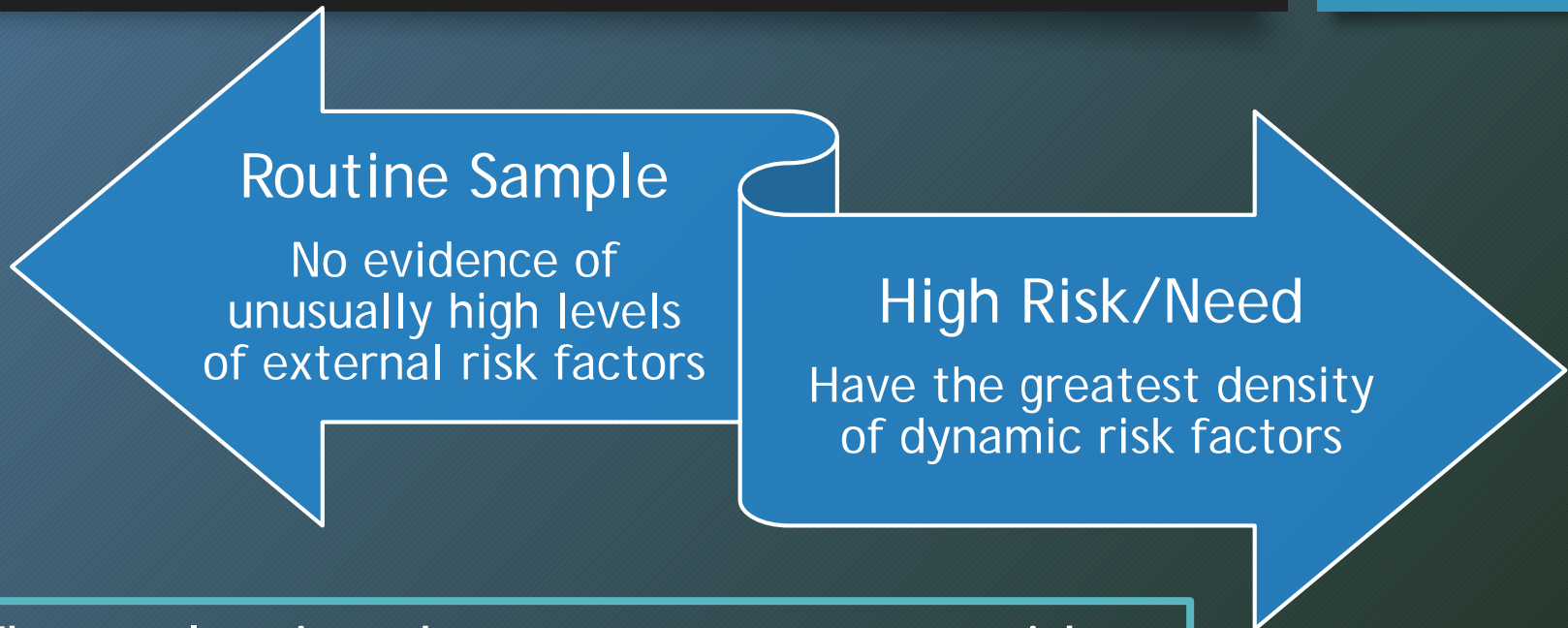
Static-99R Score	Frequency (n)	Relative Risk Ratio
6	209	3.77

Mr. XX had a Static-99R score of 6. On average, offenders with this score have a sexual recidivism rate that is the 3.77 times the rate of offenders in the middle of the risk distribution.

Selecting the Correct Group

Routine Sample

No evidence of unusually high levels of external risk factors

High Risk/Need

Have the greatest density of dynamic risk factors

When selecting the correct group consider:
- ✓ Observable levels of dynamic needs
- ✓ External risk factors that are relatively enduring psychological risk factors

Recommendations for Selecting the Correct Group

When using only the Static 99R, typically use the routine group

Acknowledge the recidivism rates may be higher or lower based on external risk factors

The routine group included offender with exceptionally high external risk factors

Absolute Risk Estimates

STATIC-99R ROUTINE SAMPLE
Estimated 5-year sexual recidivism rates

Logistic Regression Estimates

Score	Predicted Recidivism Rate	95% C.I.	
-3	0.9	0.6	1.3
-2	1.3	1.0	1.8
-1	1.9	1.4	2.5
0	2.8	2.2	3.5
1	3.9	3.3	4.7
2	5.6	4.8	6.5
3	7.9	7.0	8.8
4	11.0	10.0	12.1
5	15.2	13.8	16.6
6	20.5	18.4	22.8
7	27.2	24.0	30.7
8	35.1	30.5	40.0
9	43.8	37.8	50.1
10	53.0	45.6	60.3
11	--	--	--

STATIC-99R HIGH RISK/NEED GROUP
Estimated 5-year and 10-year sexual recidivism rates

Logistic Regression Estimates

Score	5-Year Sexual Recidivism Rates			10-Year Sexual Recidivism Rates		
	Predicted Recidivism Rate	95% C. I.		Predicted Recidivism Rate	95% C. I.	
-3	--	--	--	--	--	--
-2	--	--	--	--	--	--
-1	5.6	3.5	9.1	10.6	5.8	18.4
0	7.2	4.7	10.7	13.0	7.9	20.5
1	9.0	6.4	12.5	15.8	10.7	22.8
2	11.3	8.6	14.6	19.1	14.1	25.4
3	14.0	11.3	17.2	22.9	18.2	28.5
4	17.3	14.5	20.5	27.3	22.5	32.6
5	21.2	18.0	24.8	32.1	26.7	37.9
6	25.7	21.5	30.3	37.3	30.5	44.7
7	30.7	25.1	37.0	42.8	33.9	52.3
8	36.3	28.8	44.5	48.5	37.1	60.1
9	42.2	32.6	52.5	--	--	--
10	48.4	36.6	60.5	--	--	--
11	--	--	--	--	--	--

Absolute Risk Estimates Writing Example

Static Score	Predicted Recidivism Rate	95% C.I.	
6	20.5	18.4	22.8

Mr. XX's Static-99R score was 6. In routine samples with the same score, the 5 year sexual recidivism rate is between 18% and 23%. This means that out of 100 sexual offenders with the same risk score between 18 and 23 would be charged or convicted of a new sexual offence after 5 years in the community. Conversely, between 77 and 82 would not be charged or convicted of a new sexual offence during that time period.

Static-99R does not measure all relevant risk factors and Mr. XXXX's recidivism risk may be higher or lower than that indicated by Static-99R based on factors not included in this risk tool.

Recommendations for Keeping Quality High

- Interrater Rater Reliability Exercises
- Frequency of assessments
- Training, collaboration, consultation
- Supervision by an experienced assessor
- Mentorships for novice scorers
- Peer reviews
- Webinars