



THE ARKANSAS SEX OFFENDER ASSESSMENT PROCESS:

DOING IT RIGHT

By Sheri Flynn

Throughout the United States and most Western countries, there is a great deal of difference in opinion as to the most appropriate way to conduct community notification for those convicted of sex offenses. The Sex Offender Screening and Risk Assessment Program (SOSRA), under the auspices of the Arkansas Department of Correction, has been conducting individualized community notification assessments since September 1999. SOSRA came into existence, in part, because of the need for consistency in the assessment process and because local law enforcement agencies did not have the time, resources or expertise to conduct sex offender assessments. Arkansas chose to conduct an individualized, multifaceted assessment for each offender required to register.

The purpose of the SOSRA assessment is to indicate the breadth of community notification. SOSRA assigns a community notification level of 1-4; community notification increases as the number increases. Those working in the sex offender field recognize that many offenders do not go on to reoffend. However, there are certain groups of offenders that repeatedly commit sex offenses.

Investigators, prosecutors and anyone else working with sex offenders readily understand that “the vast majority of actual sex offenses committed against youths and adults go unreported and undetected; consequently, all methods of assessing the risk of future sex offenses rely on re-arrests and reconvictions and produce substantial underestimates of relative risk.”¹ Sex offenders offend in many ways on many differing types of victims. Not every sex offender is a child molester or adult serial rapist. To provide local law enforcement agencies with adequate information to help community members protect themselves from future victimization, an individualized assessment process is vital. Otherwise there is the risk that communities will become saturated with information on sex offenders and be unable to ascertain who is truly dangerous and is most likely to reoffend.

THE ASSESSMENT PROCESS

As mentioned, the SOSRA assessment is a multifaceted process. The assessment is much like a puzzle made up of pieces of information gathered from various sources. It is not just an interview or just the use of actuarial instruments. It is a process that involves many staff assigned to complete each part of the process as the assessment progresses. SOSRA’s goal is to attempt to determine the appropriate level of community notification. While the community notification level assigned by SOSRA has come to be used for many different purposes, it was never intended for any other purpose.

The process begins with an examination of the offender’s criminal history, which is obtained from the National Crime Information Center and the Arkansas Crime Information Center. SOSRA employs staff members whose primary job responsibility is to obtain investigative reports, judgments, medical information, forensic evaluations and other relevant data on each sex offense for which the offender has been arrested, charged or convicted. The same relevant data are also obtained on each violent offense arrest, charge or conviction. SOSRA then checks for offenses that could have been sexual in nature, but for which an offender pleaded to a lesser offense such as contributing to the delinquency of a minor. If there appears to be a pattern of this type of behavior, investigative information is obtained on those offenses. SOSRA also obtains child maltreatment reports, if they are available. The goal is to know as much as possible about an offender prior to the interview of that offender.

Once data have been collected on sex offenses, violent offenses and other offenses that may have been sexual in nature, an offender is scheduled for an interview with highly trained interview staff. Interviewers are trained to elicit information about the offender’s true level of sexual deviance. They must attempt to establish at a minimum the following information during each interview: number of victims, age of victims, sex of victims, the manner in which

the offender gains access to victims, other deviant sexual interests, the age at which the offender began sexually offending, the relationship of the offender to the victims, the level of intrusiveness of the sex offending, whether the victim was physically injured and whether a deadly weapon was used.

If questions remain unanswered, staff may require that an offender submit to truth detection procedures such as a polygraph by an independent examiner. In addition, SOSRA has four staff members who have been trained in computerized voice stress analysis. While staff are interested in the results of the truth detection procedure, they are primarily interested in disclosures offenders make prior to or after the actual procedure has been conducted. Truth detection techniques are an important part of the assessment process, but they are not required for each assessment. They are only one piece of the assessment puzzle. No community notification level is ever assigned strictly based on the results of a truth detection technique.

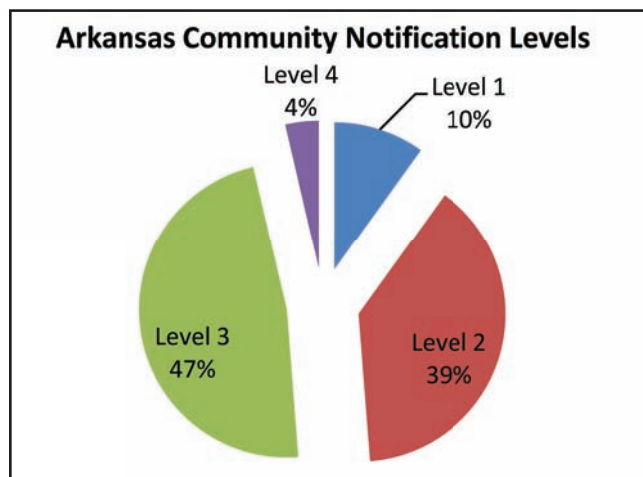
SOSRA uses two actuarial instruments as part of the assessment process. The Static-99 was developed by R. Karl Hanson, Ph.D., and David Thornton, Ph.D., and is the most cross-validated actuarial instrument. In their 2007 meta-analysis on the accuracy of risk assessments for sex offenders, Kelly E. Morton-Bourgon said: "Although a number of recidivism risk factors have been identified, the relationships between any single risk factor and recidivism is small. Consequently, competent evaluations need ... to consider a range of risk factors."²

SOSRA also uses the Vermont Assessment of Sex Offender Risk, which considers static and dynamic risk factors. Static factors are those that are not likely to change; dynamic risk factors are those factors that may change. Examples of dynamic risk factors include drug or alcohol use, amenability to sex offender treatment, and stable residence and employment. Typically, dynamic factors tend to be those that could indicate when an offender might be at a higher risk to re-offend.

Upon completion of the data collection and review, the interview and completion of the actuarial instruments, each case is reviewed and the appropriate community notification level is assigned. Final community notification level decisions are primarily made by the supervising psychologist; however, they may be made by or in conjunction with the SOSRA administrator. The assignment of level 4, which is Arkansas's sexually violent predator status, must be reviewed and assigned by majority vote of a nine-member, governor-appointment committee. From September 1999 through July 2011, SOSRA completed 9,819 assessments. Figure 1 is representative of the percentage of each level assigned through June 2011.

It should be noted that if an offender fails to comply with any part of the assessment process, the offender is assigned a default level 3 and could be charged with a Class C felony, punishable by three to 10 years in prison. Until 2003, SOSRA did not separate default level 3s from level 3s assigned based on the assessment process. Figure 2 is an indication of the number of default level 3s among the total number of level 3 assessments.

Figure 1.



WHY INDIVIDUALIZED ASSESSMENTS MATTER

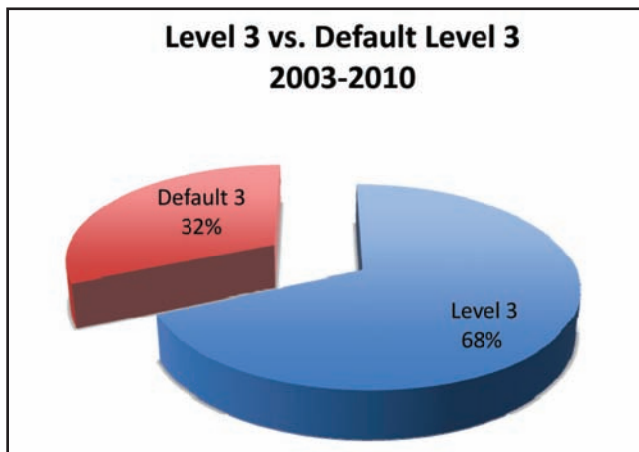
There are proponents for putting every offender convicted of an offense requiring registration on public websites for everyone to see. While this is certainly the most expedient manner of providing information to the public, there are other considerations that many forget.

First, for those offenders convicted of a statutory offense, in which a 19-year-old has sex with a 13-year-old, it is not necessary in most instances to conduct the highest level of notification. In fact, these offenders are usually at low risk of reoffending, and putting them on a website that might cause them to be shunned and ostracized could do far more harm than good.

Second, in a rural state like Arkansas, not everyone has access to the Internet. Finally, there are some offenses that require registration in Arkansas for which community notification could be the same as advertising. For example, after Hurricane Katrina a number of prostitutes were relocated to Arkansas from Louisiana. What better advertisement could be provided for a prostitute than to have a photograph on a website describing the prostitute, where he or she lives and what kind of activity the person enjoys? Offenders convicted of failure to protect also are required to register in Arkansas. In most instances, this type of conviction involves a mother failing to protect her children from physical or sexual abuse. If these women are placed on a website, the state may run the risk of alerting offenders about women who may give them access to more victims.

It is a given that individualized sex offender assessment takes more time than providing widespread notification at the same level for all sex offenders. However, the information provided by individualized assessment can be specifically targeted to best protect those in an offender's victim preference and provide a concentration of resources to the highest-risk sex offenders. If communities become saturated with information about all types of offenders required to register, there is the risk that communities will lose sight of those offenders who are most dangerous.

Figure 2.



RESEARCH

The field of sex offender assessment is a new and ever-evolving field. SOSRA continues to be involved in research that will hopefully continue to lead sex offender management in the direction that will help keep the most people safe from victimization. In 2007, J. Michael Wood Jr., Sheri J. Flynn and Dean Whiteside conducted research³ that asked sex offenders their thoughts about registration and individualized assessment. Some of the findings are as follows:

- Sixty-two percent (n = 124) of offenders reported believing that registration “works/helps,” 22.5 percent are “not sure” and only 13 percent indicated negative views about registration;
- Only 46 percent (n = 92) of offenders believed that community notification “works/helps,” while 26 percent are unsure of the benefit. However, despite this, 70 percent of offenders reported some type of perceived personal benefit from community notification; and
- Eighty-four percent (n = 168) preferred that community notification be tied to individually based risk assessment, even when given the option of no community notification (only 7.5 percent did not want any community notification for sex offenders).

In 2009, Wood, Flynn, Sarah Wilson-Cotton and Penny Dedmon were joined by internationally renowned researcher Michael Seto to conduct research on Internet sex offenders. The research is ongoing and has been well-received in the professional community. Wood, Flynn, Seto and Kelly Babchishin, of the Carleton University Department of Psychology, have continued this research. An article about this research is currently in press and will be published in *Law and Human Behavior*. While the results of the research are beyond the scope of this article, it is important to note that a comparison of child pornography offenders, Internet stalkers and contact sex offenders resulted in some unexpected findings. This research expands on a growing body of research that compares child pornography offenders with contact sex offenders. However, this is the first known study that includes Internet stalkers in the comparison.⁴

SEX OFFENDER MANAGEMENT

Successful sex offender management requires that each entity involved have access to the same information and maintain open communication with one another. During the past 12 years, SOSRA has maintained a commitment to a team approach to sex offender management. SOSRA was involved in the development of an electronic sex offender management system in 2008, which provides immediate access to a wealth of information on sex offenders to those having authorized use of the system.

The electronic sex offender management system is part of a larger electronic offender management system used by the Arkansas DOC, the Department of Community Correction and the Arkansas Parole Board. Law enforcement agencies using this system can access other criminal history information on any sex offender ever incarcerated in the Arkansas DOC or supervised by the Department of Community Correction. Staff continue to encourage sex offender management partners to use this system to instantly be aware of the status of all sex offenders having been assessed by SOSRA. The system increases the flow of information between SOSRA, the Department of Community Correction, local law enforcement agencies, federal probation, U.S. Marshals Service and other sex offender management entities. The exchange of information is at an all-time high. Sharing information and having

real-time access to information makes it more difficult for offenders to fall through the cracks or manipulate the system.

The Arkansas sex offender assessment process continues to evolve as more research and better technology become available. Efforts to conduct the most accurate, empirically based, legally sound assessment that will allow community members the opportunity to protect themselves is ongoing. SOSRA remains committed to obtaining information that will not only help prevent future victimization, but will also hopefully help sex offenders remain offense-free and validate the stories of those victimized by offenders, but never believed.

ENDNOTES

¹ The Association for the Treatment of Sexual Abusers. 2011. Risk assessment, fact sheets. Retrieved from <http://www.atsa.com/risk-assessment>.

² Hanson, R.K and K.E. Morton-Bourgon. 2007. The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis. *Psychological Assessment*, 21(1):1-21.

³ Wood Jr., J.M., S. Flynn and D. Whiteside. 2007. Poster presentation at the Association for the Treatment of Sexual Abusers Annual Conference 2007, San Diego.

⁴ Seto, M., J.M. Wood, K. Babchishin and S. Flynn. In press. Online solicitation offenders are different from child pornography offenders and lower risk contact sexual offenders. *Law & Human Behavior* (in press).

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