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Document Title: A Multi-State Recidivism Study Using Static-99R and Static-2002 Risk Scores and Tier Guidelines from the Adam Walsh Act

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METHODS

- ◆ To answer the research questions we randomly selected 500 formerly incarcerated sex offenders from four states: New Jersey, Minnesota, Florida, and South Carolina. Eligible cases were convicted sex offenders who had been released from prison into the community between January 1, 1990 and December 31, 2004. Sexual offenses were defined as any index crime requiring registration and/or end of confinement review. Additionally, offenders must have been released after confinement to the community and not to a civil commitment program.
- ◆ Data were collected using available automated databases, supplemented by a review of prison and probation records. The study proceeded in two phases. Phase 1 included coding data from each offender's available archival records in order to calculate recidivism risk scores for two commonly used actuarial risk assessment instruments--the Static- 99R and Static- 2002R--and extracting relevant demographic and criminal (including juvenile justice) history data at time of release

THIS STUDY SOUGHT TO ASSESS THE RELATIVE EFFECTIVENESS OF COMPETING CLASSIFICATION SCHEMES USED IN SEX OFFENDER MANAGEMENT.

into the community. Each criminal contact was categorized by the most serious charge. Phase 2 involved the coding of recidivism data for each offender. Variables collected and coded during Phase 2 were based on charge information. Where available, sex offender registry information was also collected, including the registry status at the time of the charge (registered vs. not registered), registration requirement (number of times per year required to register), and registry start date of initial registration.

- ◆ This project used several analytic strategies aimed at addressing primary questions. These strategies included: (1) detailed review of statutory codes for

each state; (2) assignment of baseline tiers for each type of offense across three age groups – 12 and under, 13-17, and 18+; (3) review of both instant offense and most serious offense fields and assignment of initial tiers based on this information; (4) review of supplemental fields in the dataset to identify other cases in which the offender has a history of two or more sexual offenses, history of victimizing children under 12, and/or history of use of force in commission of offenses; and (5) as applicable, adjustment of initial tiers based on this review.

- ◆ To evaluate the degree to which classification systems correctly classified or accurately predicted offender risk, measures were assessed using the Receiver Operating Curve (ROC) analyses. At different risk times, the significance of Area Under the Curve (AUC) was calculated for the three different criteria: actuarial risk scores, Adam Walsh Level, and state determined tier level. Because key data required to accurately calculate actuarial risk scores was sometimes missing in the available archival files, a reduced actuarial predictor was created based on the items that were most commonly available. This modified measure is referred to as the Available Predictor (AP). This simplified actuarial scale was used in cases where missing data for standard actuarial risk assessment instruments would have greatly reduced the sample size available for analysis.
- ◆ There were differences across states in the information that was available in the prison records and in other criminal justice records accessed for this study. Minnesota and New Jersey had less systematically missing information than either Florida or South Carolina.
- ◆ Static-99R scores were not computed for South Carolina due to missing data. Static-99R scores were calculated for the other three states and differences were evaluated by one-way ANOVA.
- ◆ The predictive accuracy of state-specific risk assessment classification schemes was also evaluated. Florida and South Carolina both distinguish between sex offenders and those designated as predators. In states that go beyond distinguishing offenders and predators, such as New Jersey and Minnesota, there are substantial differences in the methodology used for determining an individual's tier status.

RESULTS

- ◆ The racial background of the sample was 51% White, 31% Black, 7% Latino, and 2% Native American. The mean age of the sample was 33 years at sentencing, and the age of the sample at release was 37 years.
- ◆ The majority of offenders had no prior conviction for a sexual crime, but two-thirds had prior involvement in the criminal justice system for a criminal offense. For the cases in which victim characteristics were available, three-quarters of these offenders had unrelated victims, and about one-fifth had stranger victims. Nearly half of all victims were age 12 or under.
- ◆ The overall recidivism rate for the sample was 5.1% over five years and 10.3% over ten years. The doubling between 5 and 10 years indicates some suppression occurring during the first five years, possibly due to effects of formal supervision (e.g., parole). There was an apparent trend for sexual recidivism rates to differ among states after five years, but this trend failed to reach significance. The trend reached significance after 10 years follow-up, with the highest rate occurring in Florida and the lowest rate in South Carolina.
- ◆ Sex offenders were assigned to an AWA tier according to the procedures outlined in the Methods section. A frequency distribution of AWA tier levels revealed that the majority of offenders met the criteria for AWA Tier 3, the highest risk level. Specifically, 69% of the sample was classified as AWA Tier 3, whereas 29% was classified as Tier 2. Less than one percent of offenders met the criteria for the Tier 1 category. This lowest tier includes offenses that are eligible for a sentence of less than one year in prison, and qualify as misdemeanor offenses rather than felony offenses. Consequently, most Tier 1 offenders would not have been sentenced to a state prison from which samples were pulled.
- ◆ The mean Static-99R score was computed for the full sample (2.58, $sd = 2.29$) and for each state (i.e. Florida, Minnesota, and New Jersey). ANOVA testing (one-way analysis of variance) revealed significant differences in Static-99R risk scores across the states. On average, higher scores were



identified in the Minnesota sample (3.12, $sd = 2.11$), followed by New Jersey (2.37, $sd = 2.49$), and Florida (1.97, $sd = 1.96$). Consistent with the Static-99R results, mean Static 2002 risk scores were significantly higher for the Minnesota sample than the New Jersey sample.

- ◆ We examined whether risk levels varied by AWA tier designation. If tier designations identify higher risk offenders, cases with Tier 3 designations should also, on average, have higher risk scores. Concordance between risk scores and tier designation was not, however, consistently identified. Specifically, Tier 2 offenders were associated with higher actuarial risk scores, on average, and accounted for a greater proportion of cases falling into the upper end of the risk distribution.
- ◆ The association between state and AWA tier designations and the 10-year recidivism rate was examined. Results indicated that a higher state assigned tier was significantly associated with sexual recidivism in the expected, positive direction, but a higher AWA tier was significantly associated with sexual recidivism in the unexpected negative direction. In other words, AWA tier 3 was associated with lower odds of sexual recidivism. The comparable analysis for 5-year sexual recidivism yielded similar results but was statistically significant only for AWA tier.
- ◆ Our results indicated that the distribution of AWA tiers differed across states, with two states, Minnesota and New Jersey, having very few Tier 2 offenders and no Tier 1 offenders. Moreover, higher

