

## Five Critical Questions:

# Assessing Sex Offender Risk

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Risk assessment is a crucial component in the management of sex offenders. The results of risk assessments can have a profound influence on disposition planning decisions with this population, and thus, can have important consequences for the safety of the community. Conclusions drawn from risk assessments impact decisions concerning sentencing, custody levels, parole release, probation and parole conditions, community supervision levels, and rehabilitation efforts.

Most correctional risk assessment tools are designed for assessing risk among the general criminal population and can be of limited value in evaluating sex offenders. These tools do not take into consideration the fact that many high risk sex offenders are not identified on these scales because, except for their sexual offenses, they have led stable and prosocial lifestyles. The few specialized sex offender risk assessment instruments that have been developed (e.g., Bemis & Smith, 1988; Doke, 1989) are still in the process of being validated. Typically, these instruments examine only one dimension of sex offender risk, such as the relative likelihood that a sex offender will re-offend. Simply predicting re-offense, however, is not enough. A number of other issues must be examined in order to evaluate critically an offender's risk to the community. Evaluators should focus their assessment of risk on at least the following five factors:

1. What is the probability of re-offense?
2. What degree of harm would most likely result from a re-offense?
3. What are the conditions under which a re-offense is most likely to occur?

4. Who would be the likely victims of a re-offense?

5. When is a re-offense most likely to occur?

The goal of this article is to review and organize factors related to sex offender risk in order to help probation and parole officers answer these important questions about the individuals that they supervise. Most sex offenders are male and discussion will therefore be limited to this population. Because this is a relatively brief overview, the interested reader may wish to consult other resources for a more detailed analysis of this literature (e.g., Hall, 1990; McGrath, 1991).

These five questions should be used with the understanding that there are two general strategies for assessing risk. The primary strategy focuses not on the uniqueness of the offender, but on his similarity to other subtypes of offenders. The underlying assumption of this tactic is that an offender's future behavior is more predictable if we know the behavior of other offenders who have similar characteristics. After this analysis has been completed, the evaluator can undertake a secondary strategy, a more individualized assessment of the offender. In a small percentage of cases, risk assessment decisions based on subtype analysis may be overridden due to an idiosyncratic characteristic of an offender.

### What is the Probability of Re-Offense?

Offense type is the most obvious offender characteristic that is related to the probability of re-offense. Untreated exhibitionists have the highest re-offense rates (20-14%) of all sex offenders (Cox, 1980). The range of recidivism rates of

rapists (8-36%) is quite wide (Frisbie & Dondis, 1965; U.S. Department of Justice, 1989). Among untreated child molesters, nonfamilial molesters of boys generally are found to re-offend at a rate that is about twice that of nonfamilial molesters of girls (13% vs. 27%) (e.g., Radzinowicz, 1957). Incest offenders have the lowest recidivism rates (4-10%) of all sex offenders (Frisbie & Dondis, 1965; Gibbins, Soothill, & Way, 1978).

While these re-offense rates provide useful comparative data among offense types, the evaluator must look beyond these statistics. The true re-offense rates of offenders in these studies is likely to be much higher. Only a fraction of the offenses committed by sex offenders are ever reported to authorities and only a small percentage of those reported result in the identification and conviction of the perpetrator.

Other important identifiable characteristics place certain offenders at high risk to re-offend. Offenders who have multiple convictions for sexual offenses are at significantly greater risk to re-offend than first time offenders. Sex offenders who are psychopathic are also much more likely to re-offend, primarily because individuals who have criminal lifestyles tend to possess ingrained antisocial personality traits that are very resistant to rehabilitation efforts.

Deviant sexual arousal is another important risk factor but is often overlooked by those who view sexual aggression as primarily an abuse of power and control. The sexual motivation of sex offenses should not be ignored. An offender's sexual arousal pattern can be evaluated by measuring his erection response to slides and audiotapes depicting normal and deviant sexual themes. This procedure, penile plethysmography,

has become an accepted and common element in a significant proportion of sex offender programs. Offenders who evidence greater sexual arousal to deviant sexual themes than to appropriate sexual themes have consistently higher rates of re-offense (McGrath, 1991).

### **What Degree of Harm Would Likely Result From a Re-Offense?**

The harm inflicted on victims of sexual aggression can be psychological or physical in nature or both. Predicting the psychological trauma to victims of sexual aggression is more difficult than assessing physical damage. Nevertheless, victims generally experience greater psychological harm when, for example, the abuse involved force, brutality, penetration, or continued over a long period of time.

In predicting the likelihood that the offender will re-offend in a physically violent manner, the evaluator can be guided by the axiom, "The best predictor of future behavior is past behavior." If an offender has acted in a violent manner in the past, he presents a greater risk to do so in the future than does someone with no history of violent behavior. Even if an offender has no history of violence, the possibility that he may be violent cannot be ruled out. There are some other variables that should be considered in assessing the potential for violence.

Inquiries should be made about the offender's masturbatory fantasies. Those who have a preference for sadistic and other violent themes may be at higher risk for acting on these urges than those who do not have such preferences. Understandably, most offenders will be reticent to talk about this area of their life, and therefore the penile plethysmograph can be used to obtain an objective measure of the offender's arousal to themes of sexual violence vs. consensual sexual activity. However, caution must be used in relying too heavily on plethysmographic data. The plethysmograph is not a sexual lie detector test. It cannot determine whether an offender has or has not committed a particu-

lar offense, nor can it accurately predict whether an offender will commit a particular type of offense in the future. Rather, it is a useful assessment tool that can uncover a propensity towards violence.

In addition, examination of an offender's past offenses may reveal a pattern of increasing aggression or threats of violence. Even though an offender may not have committed a violent offense in the past, he may have threatened his victim with violence, verbally or with weapons. Whether he would have actually followed through on his threats is an unanswerable question, but threats of violence and use of a weapon generate justifiable concern.

For people supervising sex offenders, it is important to remember that victims can be revictimized even if an actual "re-offense" has not occurred. This is particularly true among victims of incest. By virtue of the trust and affection that children typically have towards their parents, the impact of incest may be even more psychologically damaging than similar abuse perpetrated on a victim by a stranger. Because of the low recidivism rate of incest offenders, probation and parole supervision of this population may focus not so much on deterring further sexual abuse, but on preventing further psychological trauma to the victim by obstructing or monitoring victim and offender visits.

### **What Are the Conditions Under Which a Re-Offense is Most Likely to Occur?**

Probation and parole officers bear the important responsibility of identifying and monitoring the conditions which can deter their supervisees from re-offending. Ideally, each sex offender will be evaluated to determine the specific risk factors that have been antecedent to his past offenses. Over time, through the process of evaluation and supervision, the offender, in conjunction with corrections and treatment staff, can begin to develop a plan to prevent re-offense. However, before the offender develops enough trust and insight to

identify and describe his idiosyncratic re-offense cycle, a number of common risk factors can be examined.

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Most prominent among the conditions that can lead to a re-offense is victim access. Without available victims, victimization cannot take place. The degree to which an officer or agent can confidently monitor an offender's cooperation in following the conditions designed to limit or prevent his access to potential victims, is the degree to which community safety can be assured. Alcohol abuse, another risk factor, is associated with approximately half of all sex offenses. Although alcohol does not cause sexual aggression, it serves as a disinhibitor to the already tenuous control that some offenders have over their deviant sexual urges. Abstinence from alcohol and other drugs should be mandated whenever the sexually aggressive pattern of an offender involves substance abuse. Although more difficult to monitor than substance abuse, pornography use is also a precursor to many sexual offenses. Many offenders will pair the deviant themes portrayed in some pornography with masturbation and orgasm, thereby strengthening their interest in illegal sexual behavior. Negative emotional states are very frequently precursors to sex offending. Anger is the most common emotional precursor to rape, and anxiety and depression are the most common precursors to child molesting.

Whether or not an offender can enroll in or has successfully completed a rehabilitation program is another important condition related to future recidivism. The goal of sex offender treatment is to reduce victimization rates by helping offenders control their deviant sexual impulses. Although the jury may still be out on the efficacy of treatment interventions with rapists, a variety of cognitive-behavioral treatment approaches have been successful in reducing the

recidivism rates of child molesters and exhibitionists (Marshall et al., 1991). In order to be amenable to treatment, offenders must admit to their offense behavior, consider themselves to have a problem with sexual deviancy, and be motivated to change.

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**Who Would Be the Likely Victims of a Re-Offense?**

An offender who has offended against a particular type of victim in the past will most likely re-offend against the same type of victim in the future. However, even though the typical sex offender tends to specialize in a certain type of deviant sexual behavior with victims of a particular gender and age range, a sizable minority of offenders engage in more than one type of sexually deviant behavior. For example, some research has shown that approximately one-third of incarcerated rapists and child molesters began their deviant sexual histories by committing hands-off offenses such as exhibitionism and voyeurism, before progressing to hands-on offenses. Other studies have found that some incest offenders also have a history of molesting children outside of the home. It is important to note that those offenders who engage in multiple sexual deviances present a higher risk to re-offend than offenders with less generalized deviant interests.

Unfortunately, research studies in this area do not enable evaluators to accurately predict which offenders are most likely to be at high risk of offending against victims who are dissimilar to their victims of record. Nevertheless, probation and parole officers can use the research on multiple paraphilias to inform their investigations. They should recognize that an offender they are interviewing may well have a history of more than one type of deviant sexual

behavior or interest. In fact, investigations and interviews with both the offender and collateral contacts should begin with the assumption that the offender has multiple deviant interests (McGrath, 1990).

Plethysmographic assessment can also identify an offender's multiple deviant interests. For example, suppose that an offender's risk of sexually abusing young girls has already been documented by a conviction for molesting a young girl and that on plethysmographic assessment he is also found to be significantly aroused to slides of young boys. Even though his deviant arousal to young boys neither means that he has molested young boys nor that he will molest young boys, it does suggest his risk of molesting young boys is much greater than that of someone who has neither a conviction for child molesting nor deviant arousal to young boys. Probation and parole conditions and supervision strategies should take this type of risk into consideration.

**When is a Re-Offense Most Likely to Occur?**

Evaluators often overlook variables that may help in determining when a sexual re-offense would be most likely to occur. Variables related to this question include time of day, season of the year, offender age, and re-offense curves.

Exhibitionists tend to be at highest risk to re-offend during daylight hours, whereas approximately two-thirds of rapes and rape attempts occur at night. These data, along with an analysis of the specific characteristics of an offender's pattern, can suggest special probation conditions, such as evening curfews for certain rapists.

A number of other studies have found large and statistically significant seasonal variations in the commission of rapes, with the maxima occurring in the summer months, even in states with consistently moderate climates. A similar trend has been found among exhibitionists.

Perhaps the most significant variable related to the timing of a re-offense is the variation in the recidivism curves

among different types of sex offenders. Research studies have examined the relationship between offender age and likelihood of re-offense as well as the re-offense rate of various types of offenders following arrest and release from prison. Exhibitionists reach their peak of offending in their twenties and subsequently decrease. Because of the compulsive nature of exhibitionism, those who re-offend do so much sooner than other sex offenders, often while still in treatment.

Rape also tends to be a crime committed by men primarily in their twenties, and there seem to be relatively few males over the age of 40 who commit rapes. Following their release from prison, rapists tend to be most likely to re-offend during their first year in the community and their yearly rate of re-offense tends to continue to decrease each year thereafter.

Child molestation is committed by men across a wider age span. For example, incest offenders, not surprisingly, typically commit their offenses during their child-rearing years, between the ages of 30 and 45. Nonfamilial child molesters, especially those who molest boys, often continue to molest until late in life. In brief, the re-offense curves of child molesters is much more gradual and long lasting than that of either rapists or exhibitionists.

**Conclusion**

Probation and parole officers play a critical role in assessing and supervising sex offenders. However, because most correctional risk assessment scales are "generic" and rely on an offender's past criminal history and lifestyle stability, officers and agents often have difficulty identifying certain high risk sex offenders by these assessment procedures alone. In addition, most risk assessment instruments examine only one dimension of risk. Probation and parole officers can improve their ability to assess and manage this population by identifying the particular characteristics of sex offenders and their offenses that are associated with various types

of risk. As probation and parole officers increase their competence in working with sex offenders, recidivism rates will hopefully diminish and innocent victims will be spared the horrors of sexual assault.

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