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Static-99, MnSOST-R, and PCL-R in Predicting Recidivism among Texas' Sexual Violent Predators

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Walden University
2017

Abstract

Static-99, MnSOST-R, and PCL-R in Predicting Recidivism among Texas' Sexual

Violent Predators

by

Diana Angela Jefferson

MS., Capella University, 2003

BS, Morgan State University, 1995

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Clinical Psychology Concentration

Walden University

August 2017

Abstract

Recidivism within the sexually violent predator (SVP) population has gained worldwide attention because of the lack of protection offered to the victims that may lead to loss of life. Behavioral theory suggests that accuracy of predictive behaviors based on empirical judgement is more reliable than that based on clinical judgement. The purpose of this research was to see whether three actuarial assessment tools, Static-99, PCL-R, and MnSOST-R, could predict recidivism and whether the combination of the three-increased predictive value in the Texas SVP population. As yet, the literature provides no evidence. The Texas Open Record System provided assessment scores and violations of 90 SVPs committed during fiscal years 2009-2013. Texas had 58.9% violated commitment laws within the SVP population of the civil commitment program. The scores on these three assessment tools were analyzed along with the violations using bivariate logistic regression. According to the results, Static-99, PCL-R, and MnSOST-R can, in combination, predict recidivism better than any tool by itself in the Texas SVP. However, individually, only the PCL-R approached significance as a predictor. This study could lead to positive social change in both the targeted treatment of labeled SVP and in the accuracy of predicting recidivism among SVPs. Therapists should use the three actuarial assessment tools when developing treatment plans, intervention techniques, and when adjusting supervision requirements to assist in both targeted treatment and to reduce the number of victims.

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Dedication

This project is dedicated to my son, Shuwan, my parents, my aunt Diana, and my uncles who have given me strength, support and determination to accomplish this lifelong goal.

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Chapter 1

Introduction

The introduction of civil commitment laws continues to be debated by both

offenders and society (Harris et al., 2003; Jackson & Richards, 2007; McLawsen,

Scalora, & Darrow, 2012; Rettenberger et al., 2009). This dissertation explored the ability

of three assessment tools (Static-99, MnSOST-R, PCL-R) to predict recidivism among

the sexually violent predator (SVP) population in the State of Texas and whether

combining the scores adds to the predictive value.

To better understand this debate, first evaluate the social concerns that led to the

civil commitment laws. During the late 1980s, several new sexually violent offenses were

linked to the recommission of sexually based crimes by previous offenders (Aizenman &

Kelley, 1988). This link between sexually violent crimes and recidivism continues to this

day. Thus, society has demanded that a legal system be developed and maintained as a

protective measure against sexual offender recidivism which, lead to the development of

civil commitment laws.

Individuals who commit these sorts of crimes are more likely than other types of

former criminals to recidivate into additional sexual crimes (Aizenman & Kelley, 1988;

Weiss & Bala, 2009; Council on Sex Offender Treatment, 2010). Most SVPs were found

to be previously convicted of multiple sexual violent crimes, and all too often, they were

sentenced to mental health facilities that offered treatment with little or no consequences

for negative behaviors (Aizenman & Kelley, 1988). With that in mind, research focused

on general sex offenders did not considered the complexities that SVP present. It is SVP

that is often released without the tools to prevent recidivism, thus allowing them to return to society to reoffend (Allan et al., 2006; Beech et al., 2003; Hanson & Bussiere, 1998).

Due to increased social pressure and public concern, 21 states have introduced protective measures to control and identify sex offenders who are more likely to re-offend (Weiss & Bala, 2009). Texas has mandated that individuals within this group are to be identified as SVPs. The state has established an organized framework for SVPs that includes immediate placement in intensive treatment and confinement to a designated halfway house under contract with the division of the Texas Department of Criminal Justice (Weiss & Bala, 2009). This chapter explores (a) the background of the SVP population, (b) the definition of SVP, (c) the history of the civil commitment process, (d) the requirements of this label and the individuals examined for civil commitment. This chapter also expressed the problem and the purpose of this current study, then identify the research question, hypotheses, theoretical framework and nature of this study. Finally, this chapter explored the definition of important terms, assumptions, scope and delimitation, limitations of the study, and the significance of this study.

Background

State of Texas defines SVPs as individuals with multiple sexually violent offenses or sexual offenses that demonstrate a high risk of repeating sexually violent offenses. Texas defines "sexually violent offenses" as inappropriate sexual contacts with a minor or adult, aggravated kidnapping with sexual assault, and burglary of a habitation (Council on Sex Offender Treatment, 2010). The state has added possession of "sexually explicit material" as an additional basis for classifying an offender as an SVP. Sexually explicit

material covers the use of internet pornographic material, material that included victims, and other characteristic material considered to motivate sexual desires and pathways used in the solicitation of minors to sexual activities (Council on Sex Offender Treatment, 2010).

Assessments for SVPs

Several measures have been used to predict risk level, which is then used to label an individual as a SVP and court-order that person into the Texas Civil Commitment Program (Council on Sex Offender Treatment, 2010). The Static-99 is an actuarial risk evaluation tool that is frequently used in the assessment of SVPs (Boccaccini et al., 2010). It measures the level of sexually deviant behavior, specific characteristics of previous victims, persistence of sexual offending, and emotional or antisocial personality disorders. Another example, the MnSOST-R (Minnesota Sex Offender Screening Tool) evaluates certain aspects of the individual, such as age, sex, occupation, and mental health, to determine whether the individual is a likely a sexually violent predator (Boccaccini et al., 2010). The PCL-R (Psychopathy Checklist-Revised) is used to assess the possibility of psychopathy, that is, a personality disorder that is characterized mainly by diminished remorse and empathy, bold and antisocial behavior (Boccaccini et al., 2010). TheState of Texas requires all three tools be used before the individual can be labeled a SVP (McLawsen, Scalora, & Darrow, 2012).

In many states, including Texas, scores on these scales are used to determine whether a SVP can be released. However, there is limited research to support the

effectiveness of these tools for predicting recidivism with the SVP population. This remains an issue both for debate and during budget allocations.

Problem Statement

State of Texas has continued to identify individuals as belonging to the classification of SVPs. They are being confined to civil commitment programs across the country based, in part, on their scores on assessment instruments. However, there is limited research to support the effectiveness of these tools for predicting recidivism with the SVP population. (Epperson et al., 2003; Hanson & Thornton, 2000; Hare, 1990). Researchers have agreed that the assessment tools are effective in the validity of the SVP label, but continued debate exists and limited research is available about the tools' ability to predict *recidivism* in the SVP population (Boccaccini et al., 2010; Harris et al., 2003; Knight & Thornton, 2007; McLawsen, Scalora, & Darrow, 2012; Neller & Petris, 2013; Wollert, 2006).

Purpose of the Study

The purpose of this quantitative research study was twofold to evaluate (a) how the combination of the Static-99, PCL-R, and MnSOST-R scores add predictive value to determine recidivism and (b) whether the three actuarial assessment tools predict recidivism for SVPs who were committed in the State of Texas Civil Outpatient Commitment Program during the 2009-2013 fiscal years, which examined the first year the individual SVP was commitment in Texas. The SVPs were given testing for admission and court ordered into program during the 2009-2013 fiscal years were sampled. The dependent variable was recidivism, defined as committing new offenses or

not adhering to the policy of the program. The independent variables were the Static-99, PCL-R, and MnSOST-R scores. These are the assessment tools that are court-ordered before the SVP label can be applied; they are also required for release decisions. The amount of research on this population is very limited. While the introduction of national laws (Megan law and Adam Walch law) and the increased demand of both federal and state tax dollars used to support these programs continue to increase tax burdens to society.

However, laws and programs without research to confirm? the degree of prevention is a disservice to both society and the offenders. Several offenders have filed lawsuits suggesting that Civil Commitment Laws is a violation of the double jeopardy law and is used as additional punishment due to the lack of research available on the effectiveness of the Texas Civil Outpatient Commitment Program (Supreme Court of Kansas, 1997).These lawsuits have gone all the way to the federal Supreme Court and have been defended, based mostly on the conclusion that civil commitment is not punitive but rehabilitative for individuals who are viewed as "volitionally impaired" meaning that the person cannot control his or her behavior, and therefore has a higher likelihood of re-offending (Boccaccini et al., 2009; Campbell, 2007; Cann, Friendship, & Gozna, 2007).

This research has the potential to increase awareness of SVP crime that has plagued American society including the State of Texas. In turn, increased awareness has the potential to support the efforts and the demanding budget requirements associated with the supervision and confinement alternative that makes Texas unique in the

treatment of SVPs. The results of this study are expected to provide data about the relationship of the tools to each other and about each tool's ability to predict recidivism.

Research Questions and Hypotheses

The data were analyzed using bivariate linear regression analyses to explore whether the scores relate to each other and whether they predict recidivism among the SVP population in the Texas Civil Commitment Program. The trio of court-ordered assessments were conducted by licensed professionals, and yield a numeric total score. This study evaluated the following two research questions:

1. Does the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores increase the predictive value of recidivism in SVPs?

   $H1_0$: There is no increase in predictive value of recidivism with the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores in SVPs.

   $H1a$: There are increase in predictive value of recidivism with the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores in SVPs.

2. Are there differences among PCL-R, Static-99, and MnSOST-R scores in predicting recidivism in SVPs?

   $H2_0$: There are no differences among PCL-R, Static-99, and MnSOST-R scores in predicting recidivism in SVPs.

   $H2a$: There are differences among PCL-R, Static-99, and MnSOST-R scores in predicting recidivism in SVPs.

Theoretical Framework

This study used the behavioral theory developed by Paul E. Meehl (Meehl, 1965; Grove & Meehl, 1996; Peterson, 2006), which looks at the accuracy of prediction of behaviors based on clinical judgment versus empirical judgment. The key of this comparison of human behavior include exploring the differences between human judgment, which often includes contemplation and discussion with a client, as opposed to mechanical methods (i.e., actuarial methods) using objective procedures or equations to obtain judgements. This study the predictive value of recidivism when combining three assessment tools, Static-99, PCL-R, and MnSOSt-R, in assessing SVPs and whether these assesment tools (independent variable) can predict recidivism (dependent variable) in the Texas Civil Commitment Outpatient Program.

Meehl's theory posits that complex "empirical predictors" of abnormal behaviors are often more accurate in predicting of further behaviors than purely clinical judgments. Meehl defines empirical predictors as research supported attributes that have been proven to demonstrate abnormal behavior within a given population. Meehl expanded his research in Grove and Meehl (1996), and argued that most purely clinical methods— those that rely on human judgment–are often based on informal contemplation of the provider and, often, discussion with clients. The mechanical or actuarial method involves a formal, algorithmic, objective procedure or equation to reach decisions. Grove and Meehl further argued that empirical comparisons of accuracy between mechanical and actuarial methods are almost invariably equal or superior to mechanical methods: Meehl's diary (as cited in Grove & Lloyd, 2006).

Peterson (2006) argued that empirical validation, such as statistical methods used in classification and prediction, would decrease erroneous clinical decisions in some circumstances, especially when criminal recidivism rates deviated from a normal contrast group. Peterson's study expanded Meehl's argument of statical accuracy in predicitions using a retrospective analysis of the three actuarial assessment tools—Static-99, PCL-R, and MnSOST-R—among the newly labeled SVP population (Peterson, 2006). With this expansion, I was able to evaluate if the conbnation of scores increase predictive value of recidivism and to see whether these actuarial assesment tools predicted recidivism in the newly labeled SVP population of the Texas Civil Commitment Outpatient program. Thus, the present study used the following key variables—Static-99, PCL-R, MnSOST-R—to determine their ability to predict recidivism and the predictive value of combining the assessment tools in the Texas Civil Commitment Outpatient program using all of the newly labled SVP population within the 2009-2013 fiscal years.

Nature of the Study

This study used a quantitative research method to examine how the Static-99, MnSOST-R, and PCL-R scores combination of scores increase predictive value and whether these three assessments predicted recidivism in a newly labeled SVP population in the Texas Civil Commitment Program. This study was a retrospective exploration of the data received from the open-records database within the State of Texas database. The archival data were retrieved with the assistance of the database manager of the SVP system and provided to this researcher. The researcher had no direct contact with the participants or the Texas Civil Commitment database. The database manager for the State

of Texas forwarded the Static-99, PCL-R, and MnSOST-R, scores, of each of the newly

labeled SVP during the 2009-2013 fiscal years. This researcher analyzed the data using

bivariate linear regression to explore if the combination of the scores add to the predictive

value (Static-99, MnSOST-R, and PCL-R) and whether the independent variables could

predict recidivism among the SVP sample.

Definitions of Important Terms

Actuarial Assessment Tools: In psychometrics, tests that evaluate behavior based

on statistical methods and confinement files used to predict behaviors (Council on

Sex Offender Treatment, 2010). The specific actuarial assessment tools used in

this study are the independent variables, Static-99, MnSOST-R, PCL-R.

CSOT: The Texas Counsel on Sex Offender Treatment. This department

The oversees the goals and requirements of the individuals in the SVP program

(Council on Sex Offender Treatment, 2010).

Recidivism of SVP: Intent to arouse or gratify the sexual desire of any person

immediately before, during, or immediately after the attempt, conspiracy, or

solicitation to violate or abuse another individual (Council on Sex Offender

Treatment, 2010). Recidivism as defined by Council on Sex Offender Treatment

is the dependent variable within this present study.

Sexually Violent Predator (SVP): Term used to refer to individuals who were

convicted of more than three sexually violent offenses, identified as volitionally

impaired, and court ordered into the Texas Outpatient Civil Commitment Program

(Council on Sex Offender Treatment, 2010).

Sexually Violent Offenses: Offenses that include indecency with a child by contact, sexual assault regardless of the age of the victim, aggravated sexual assault regardless of the age of the victim, aggravated kidnapping with the intent, burglary of a habitation with the intent, sexual motivated capital murder, sexually motivated murder, any attempt, conspiracy, or solicitation of the above (Council on Sex Offender Treatment, 2010).

TDCJ: The Texas Department of Criminal Justice (Council on Sex Offender Treatment, 2010).

Assumptions

This study was subject to three assumptions: (a) the statistical data received from the State of Texas and the information obtained from the database manager were accurate; (b) the individuals who conducted the three assessments performed and scored them correctly; (c) the individual confinement charts were accurate and the three assessment tools were accurately entered within the database. This research did not conduct the assessments nor have access to the database. According to Texas law, individual providers must only work with their area of competence and be licensed as a provider (Texas § 46B.002). Therefore, this research assumed the SVP scores were both accurate and accurately entered within the database.

Scope and Delimitations

The research was designed to explore the relationship between the independent variables, Static-99, MnSOST-R, PCL-R, and their accuracy in predicting recidivism within the first year of confinement in the Texas Civil Commitment Outpatient program

during fiscal years 2009–2013.The research focused on SVPs, the predictive value of combining the assessment tools and recidivism related to all the newly committed SVPs in the Texas program during fiscal years 2009-2013.

Limitations

This study suffered from several weaknesses. Texas is the only state that has civil commitment laws that has out-patient SVP supervision. Thus, the results of this study can be generalized to newly labeled SVPs in the Texas Outpatient Sexually Violent Predator Treatment Program, but cannot be generalized to all newly labeled SVPs since the other states with civil commitment laws offer only institutional confinement to civilly commitment individuals. Second, regarding internal validity, the subjects in this study consisted of the total members of the newly labeled SVP in OSVPTP during 2009-2013 and were held to the standards established by Texas law (Texas Id. § 841.022). Due to the protection of the victim's rights and other legal issues, permission to use a more current year would have been difficult to obtain. Despite these limitations, it was expected that the results could increase understanding about the assessment tools' utility in the SVP population of the Texas Outpatient program.

Limitations of the Study

The present study used an archival data sample of newly labeled SVPs who were committed to the OSVPTP. Another limitation of this study was that the MnSOST-R was designed to assess offenders who committed sexual offenses other than incest. Newly labeled SVPs were not assessed with this tool if their victim was a child, sibling, parent, or grandchild and/or the SVP may not have scores on the Static-99 or PCL-R if the

assessment scored as inconclusive resulting from no obtainable scores. Consequently, scores on measures were not available on all participants.

Implications for Social Change

This research has the potential to increase awareness of sexually violent offenses, that plagues American society because of continued recidivation. Increased awareness could assist or debate the efforts and high budget requirements associated with the confinement and supervision alternative that makes Texas unique in the treatment of newly labeled SVPs. This study sought to provide scientific evidence base for the continued supervision and use of three assessment tools (Static-99, PCL-R, and MnSOST-R) within the newly labeled SVP population in the OSVPTP.

Summary

The late 1980s and 1990s were considered to be a legal failure of society to protect its women and children from sexual violence. Thus, it was argued that additional legal and treatment measures should be put place. The public outcry led to the adoption of several laws, including SVP civil commitment laws. The over 20 states that offer civil commitment laws stipulated continued administration and control over a small group of individuals who were considered to have both a mental health diagnosis and a behavioral abnormality that mades them unable to control their sexually violent urges. It was the violent urges that seemed to require both additional treatment and supervision after the completion of their sentence for previous offenses.

However, it was not until 1999 that the state of Texas enacted legal measures to develop the Texas Civil Commitment Program, a program that was also designed to be

outpatient. Texas drew on forensic psychological practice to use three assesment tools in determining both mental health diagnosis and behavioral abnormality— the cornerstone of the SVP label. While there is sufficient data to support the assessment tools to label an individual as an SVP, there is still no supportive date to suggest that these assessment tools predict recidivism

The Static-99, PCL-R, and MnSOST-R have been proven to accurately identify individuals as SVPs, but there is still no supportive data about how the scores relate to each other within this population. The purpose of this study was threefold: (a) to examine how the Static-99, MnSOST-R, and PCL scores relate to each other; (b) to determine whether they predict recidivism; and (c) to determine the predictive value of combining the scores in labeled SVPs committed during 2009-2013 to the Texas Civil Commitment Program.

Chapter 2 provides a review of the current literature, an overview of the three assessment tools and background information on the legislation and goals of the Texas Civil Commitment Outpatient Program. Chapter 3 provides an overview of the participants, the data retrieval method, the research methods and procedures used to test the three variables (Static-99, MnSOST-R, PCL-R) as they relate to each other. The chapter also explores whether the measures predict recidivism and whether combining the scores adds to their predictive value in the Texas Civil Commitment Outpatient newly labeled SVP population. Chapter 4 provides the results of the study. Chapter 5 provides an interpretation and discussion of the findings and recommendations for future research.

Chapter 2: Literature Review

Introduction

The SVP civil commitment program has legislative support in more than 20 states (Harris et al., 2003; Jackson & Richards, 2007; McLawsen, Scalora, & Darrow, 2012; Rettenberger et al., 2009). However, the legality and effectiveness of this program continues to be debated. The recidivism of previously sentenced sexual offenders, prior to the adoption of these statutes, was the motivation to legalize civil commitment statutes. The civil commitment statutes have been the subject of several research studies that yielded contradictory results.

In conducting this review of the literature, I used three databases: PsycINFO, SocINDEX, and Dissertation Abstracts International. The keywords for this search were as follows: *Minnesota sex offender screening tool–revised, recidivism, civil commitment laws, Hare Psychopathy Checklist-Revised (PCL-R) and Static-99, sexually violent predator,* and *civil commitment*.

This chapter begins with a general discussion of SVP statutes, including a description of the legal justification and typical procedures. I then provide background on civil commitment practices, laws, and procedures specific to the OSVPTP used in Texas (Council on Sex Offender Treatment, 2010). Next, I review the literature on the use of Static-99, PCL-R, and MnSOST-R, the three common assessment tools in SVP programs.

Legal Justification for Sex Offender Laws

According to McLawsen, Scalora, and Darrow (2012), modern SVP laws have their roots in the "sexual psychopathy" laws of the 1940s. As with the modern laws, these laws identified certain types of sexual offenders to be eligible for civil commitment.

Sutherland (1950) noted that these sexual psychopathy statutes contained seven major

points used in half of the states' current civil commitment statutes:

(1) "sexual psychopathy," defined as individuals who are more likely to recommit

sexually based offenses, thus making women and children unsafe in society,

(2) these offenders are "degenerates" "sex fiends" "sexual psychopaths" and thus

called sex killers that should not be free in American society,

(3) the individual will continue this behavior due to lack of behavioral control,

identified as "sexual impulses",

(4) a society that punishes these offenders and then discharges this punishment

without supervision demonstrated a failure in its duty to protect,

(6) laws are required to separate these individuals from society, and

(7) that, for an individual to be released, evidence that the individual was cured

must be demonstrated by a psychiatrist.

McLawsen, Scalora, & Darrow (2012) stated that current laws may vary from

state to state; however, similarity between each state remains in the area of eligibility

criteria. Most of the states that offer SVP civil commitment require that the individual

must be convicted of at least one sexually violent offense, as defined by statute. In the

State of Texa, sexually violent offenses can be divided into the following categories:

2.5% continuous sexual abuse against young child/children, 25.5% indecency with child

by contact, 4.7% indecency with child by exposure, 44.8 % sexual assault, 21.6%

aggravated sexual assault, and 0.9% sexual assault performance by a child (Texas Crime

Statistics, 2012). In addition to having committed a certain kind of offense, persons

subject to SVP civil commitment laws must have a mental abnormality or personality disorder, must have an increased propensity to re-offend, and the mental disorder or personality disorder must make the person unable to control impulses (McLawsen et al., 2012).

The alarming fact is that there are people in this society who have repeatedly committed violent and sexual acts against others. Therefore, these potential victims need protection and society must provide that protection. Modern SVP laws began as a reaction to specific tragic high-profile cases. For example, the case of Earl Shriner in the late 1980s has been noted to be the legal catalyst for many civil commitment laws (Mckinney, 2002). During Shriner's health facility sentence, he disclosed his detailed plans to kidnap, sexually assault, and torture a boy during one of his assessment interviews with his mental health care provider. Mr. Shriner's sentence ended and he was released without any legal measures in place to continue his treatment, sentence, or monitor him in order to remedy his preoccupation with kidnapping and murder. He did, in fact, commit the crime he had told his mental health provider he would. Shortly after release from the treatment facility, Earl Shriner kidnapped, attempted to murder, mutilate and violently sexually assault a 7-year-old-boy named Ryan Alan Hade ("The Seattle Times.", 1990). The public outcry regarding his released, considering his eloborate plan of preforming a horrendous danger to children, produced legislative responses.

A series of high-profile cases in the 1990s cemented the movement toward harsher laws towards sexual offenders. For example, Adam Walsh was a 7-year-old boy who was abducted from a mall in Florida and later murdered. His case received national

media attention. Later, Ottis Toole, a convicted serial killer, confessed to the crime, although he was never prosecuted. Toole was a repeat offender who had been previously convicted of sexually violent offenses and released (Aizenman & Kelley, 1988). This crime led to the passage of a federal statute, called the Adam Walsh Child Protection and Safety Act (42 U.S.C. §16911 et seq.), mandating sex offender registration, GPS monitoring and commitment for different levels of offenders (Council on Sex Offender Treatment, 2010).

Today, 20 states in the United Sates have SVP civil commitment laws, with even more having registration and community notification laws. Despite the prevalence of SVP laws, they are not without criticism. They have been challenged legally, largely as a violation of the double jeopardy clause of the Constitution. The argument that defendants utilize suggests these laws serve as two forms of punishment—first through incarceration, followed by commitment in a mental health facility. However, the United States Supreme Court has rejected this argument (Kansas v. Hendricks, 1997), thus allowing civil commitment statutes to remain.

Empirically, these statutes have been criticized because they do not serve their intended goals. Boccaccini, Murrie, Caperton & Hawes (2009) noted that an effective SVP law would allow states to both identify SVP offenders to mandate treatment and civilly commit as a protective measure for potential victims. However, the authors argued that the research on the effectiveness of these programs continues to produce contradictory results. For example, most of the released sex offenders have not been provided enough rehabilitation that will help them control their impulses and prevent

future sex offenses. Secondly, the law enforcement agents assigned to undertake this task are not technologically equipped to track down sex offenders. Losing track of those offenders who are supposed to register with the state and other local levels within the state jurisdiction demonstrates a reduction in public safety. The judicial failure to support agencies in charge of this population reduces the effectiveness of civil commitment programs. This study evaluated one critical piece of evidence of their effectiveness—do the assessment tools being used to determine release accurately predict recidivism?

SVP Civil Commitment Laws in Practice

While SVP civil commitment is a legal decision, the decision is based on the information provided by a psychologist or psychiatrist who conducts a forensic assessment of the individual. The state of Texas requires the use of three assessment instruments: Static-99, Hare Psychopathy Checklist-Revised and Minnesota Sex Offender Screening Tools-Revised for an individual to be labeled as a SVP (Council on Sex Offender Treatment, 2010). The Static-99 is an assessment tool that is used to detect sex offender risk by reviewing offender records for information on offense characteristics and recidivism risk. The Hare Psychopathy Checklist-Revised is an assessment tool that attempts to evaluate criminal offenders' risk of sexual violence. The Minnesota Sex Offender Screening Tools-Revised is an assessment tool that evaluates sexual offense risk in individuals who committed offenses other than incest. The assessment tools are intended to identify offenders that have behavioral abnormalities considered to making the offender both unable to control impulses and more likely to re-offend.

The assessment tools mentioned above are used not only used to inform whether a defendant is labeled a sexually violent predator, but they also determine the treatment needs of that individual and inform the decision to release the offender from commitment. These psychological assessment tools are said to offer both legal and psychiatric support of the individual's likely level of reoffending, but to date there is limited research available regarding the effectiveness of these programs or empirical data to support the accuracy of this perceived risk. The purpose of this study was to evaluate whether scores on these instruments are predictive of subsequent sex offender recidivism.

Once the court determines that a person is to be committed to the Outpatient Sexual Violent Predator Treatment Program (OSVPTP), the court order stipulates that the individual reside in a state supported halfway house, and prohibits the SVP from contacting the victim or potential victims, and possession or use of alcohol, inhalants, or other controlled substances. In addition, the SVP must comply with electronic monitoring, sex offender registration monthly, and if the SVP has had child victims, the establishment of prohibited child safety zone compliance. Overall, the SVPs are required to notify the case manager of any events or changes within 24 hours, including in the person's health or job status (Council on Sex Offender Treatment, 2010). Treatment at the facilities uses a team approach. Each person has a primary treatment provider, but there is also a case manager or supervising officer who checks in monthly to monitor treatment progress.

In Texas, eligibility criteria and release are governed by the Civil Commitment of Sexually Violent Predators Act (1999). Texas is unique in that it offers a supervised

outpatient program based on state-funded halfway houses (aka, OSVPTP). OSVPTP is outpatient treatment for those who have been labeled SVPs by a judge or jury (TDCJ policy PD/POP-3.6.11). The justification of this program is primarily its cost-effectiveness. Texas policy stipulates that the offenders are only required to supplement a small portion of the expense, and that is if the offender can pay (Council on Sex Offender Treatment, 2010).

Other states' civil commitment programs are extremely expensive. For example, California has the most civilly committed sex offenders of 443, and has an overall budget of $147.3 million for the SVP population (Davey & Goodnough, 2007). Other states have estimated $80,000 to $125,000 for inpatient SVP treatment services. Because Texas uses an outpatient model (described below), the state spends considerably less money: $30,000 to $37,000. This may appear minimal in comparison to other states; however, true estimates of expense should factor in other legal costs. For example, thestate of Texas contends that the cost of one single trial related to the case of child sexual abuse conducted between the 1980s and 1990s ranged from $138,000 to $200,000.

In addition, offenders continue in these expensive programs for many years and, even when released, many end up re-incarcerated. Out of the 20 states that have civil commitment laws and more that 1500 civil commitment offenders, only 252 offenders have been discharged successfully since the 1990 inception of the program (Davey & Goodnough, 2007). Therefore, the number of offenders and the cost of their confinement and treatment is worthy of concern, especially if these programs do not serve their treatment goals.

The Recidivism Assumption about Sexually Violent Individuals

SVP commitment laws are founded on the principle that certain kinds of sex offenders, labeled SVPs, are likely to recidivate if released into the public. Therefore, committing these individuals serves the goal of promoting public safety. There is abundant research on recidivism in criminal populations. However, there is little research available on recidivism within the SVP population. Hanson and colleagues (Hanson & Bussiere, 1998; Hanson & Thornton, 2000) have suggested that, on average, sexual recidivism rates for untreated general sex offenders are approximately 15% after 5 years and 20% after 10 years. Schneider et al. (2006) discuss that the differences in recidivism rates may be attributable to changes in the definition of recidivism rates in individual studies, variations of methodological definitions and treatment differences. Also, much of this research follows general sex offenders, and the law and differential psychological diagnosis suggest that the SVP is unable to control behavioral impulses, which means they should have higher rates of recidivism, by definition.

Several studies have suggested that the population, SVP, within other states , such as California, demonstrates a higher recidivism risk and should be continued and supported as a prision commitment. An example of this, McLawsen, Scalora, & Darrow (2012) examined exhibited risk levels of SVPs in Washington, Florida, and Wisconsin. This study of three states' SVP populations, concluded that civilly committed sex offenders demonstrated significantly high levels of risk and thus would not succeed in attempts to prevent recidivism if unsupervised or treated by the resources of the general community. This result suggests that the civil commitment programs for sexually violent

individuals in these three states operates effectively within the guidelines of the program being based on risk assessment. McLawsen, Scalora, and Darrow did suggest that in Nebraska the risk is somewhat lower in regard to the civilly committed sex offenders and questioned the need for such a strict commitment within that geographic location.

In a study conducted in Texas, Boccaccini et al (2010) suggested that not using limited definition of recidivism and the violation of the sex registry where indicators of desire to find additional victims. Later, Boccaccini et al. (2013) discovered that of 76 sex offenders evaluated and civilly committed as violent predators, the scores on the borderline feature scale and negative relationships scale were also reliable predictors of recidivism. The significance of these research studies continued to be debated and used during the legal procedures of the civil commitment program. Overall, these two studies support the need for additional empirical research in this area to prevent risk to the women and children of society.

Measures Required for Individuals Committed to the OSVPTP

Static-99

The Static-99 (Hanson & Thornton, 1999) is an actuarial instrument designed to estimate the long-term probability of sexual and violent recidivism among adult male sexual offenders (Yates & Kingston, 2006). Specifically, the Static-99 is composed of ten items designed to measure the level of sexually deviant behavior, specific characteristics of previous victims, persistence of sexual offending, and presence of emotional and antisocial personality disorders. The measure produces a score that ranges from 0 to 12 and results in four risk categories: *low* (0-1), *medium-low* (2-3), *medium-high* (4-5), and

high (6-12). The higher the Static-99 scores, the higher the risk for sexual re-offense (Hanson & Torton, 2000). Yates and Kingston (2006) contended that the Static-99 has consistently demonstrated high reliability and validity in several studies.

Hanson and Thornton (2000) concluded that the Static-99 is the most commonly used actuarial risk tool for estimating sexual offender recidivism risk. Further studies indicate that the Static-99 is effective in the prediction of sexually violent offending and recidivism for extra-familial child molesters (Allan et al., 2006; Bartosh et al., 2003; Beaureguard & Mieczkowski, 2009; Cox & Holmes, 2009; Craig et al., 2007; Doren, 2004; Endrass et al., 2009; Kingston et al., 2008).

Notwithstanding its common usage, there is little research available evaluating the use of the Static-99 among SVPs. Boccaccini et al. further suggested that the Static-99 outperforms the MnSOST-R but may still perform poorer than previously expected within the SVP population. DeClue & Zavodny (2014) continue to argue that there is no significant research available that the Static-99 accurately predicts an individual's risk of sexual recidivism. Rice et al. (2014) argued that the higher the Static-99 score, the lower the predictive agreement suggesting that only 40% of individuals with a score of 6 during the initial assessment will recidivate, while 60% will recidivate with initial scores of 2 or lower. Furthermore, they suggest that considering that individuals with higher scores are more subject to civil commitment for sexual violent offenders, the legal and mental health community should have procedural safe guards to account for these possible measurement errors (Rice et al., 2014).

Hare Psychopathy Checklist-Revised (PCL-R)

The PCL-R is a 20-item scale used in forensic and clinical settings to give an indication of the individual's level of psychopathy. The measure involves a semi-structured interview and use of file information. In the PCL-R, Hare (1990) defines psychopathy according to two broad factors: (a) refers to the selfish, callous and remorseless use of others to reflect their interpersonal and affective characteristics, and (b) refers to a chronically unstable, antisocial and socially deviant lifestyle. The higher the total PCL-R score, the more the results reflect that the individual displays prototypical behaviors of a psychopath. The PCL-R Factor 1 (interpersonal-affective [IA]) scale evaluates excessive use of superficial charm, a deceitful interpersonal style, a lack of empathy, and shallow affect (Hare, 2003). The PCL-R Factor 2 ("Social Deviance" [SD]) scale is characterized by general impulsivity, irresponsibility, and past criminal and antisocial behavior (Hare, 2003). Although it references behavior, Factor 2 also captures the general trait of disinhibition or impulsivity and negative affectivity; this is a trait that most would not regard as specific to psychopathy (Patrick, Fowles, & Krueger, 2009).

The PCL-R's utility measurement of past antisocial behavior and disinhibition of interpersonal and affective traits of psychopathy as predictors of behavioral abnormality (Skeem, Miller, Mulvey, Tiemann, & Monahan, 2005; Skeem & Mulvey, 2001). PCL-R in actual usage performs lower than the testing manual reports (Boccaccini et al., 2012: Miller et al., 2012; Murrie et al., 2012). Boccaccini et al. argued that predictive accuracy was low. Miller et al. determined a low accuracy rate, further supporting the idea that the tools have a lower ability to predict recidivism within the sexual offender population.

Researcher suggested that this assessment tool has contradictorily implications

considering the fact that the tool was originally developed and used in nonsexual violent

crimes, namely socially deviant behaviors (Boccaccini et al., 2013; De Matteo et al.,

2014; Edens et al., 2014; Kinghton et al., 2014). This suggestion further supports the

need for exploring the relationship between the tools and the SVP population.

Minnesota Sex Offender Screening Tools-Revised (MnSOST-R)

The MnSOST-R is a 16-item actuarial assessment tool designed to predict sexual

recidivism among offenders that have committed sexual offenses other than incest

(Epperson et al., 1998). Twelve of the MnSOST-R items assess historical or static

predictors of recidivism, such the number of sex offenses, offending in a public place,

and use of force or threat of the offense (Epperson et al., 1998). Four items assess

institutional or dynamic predictors, such as receiving treatment while incarcerated and

age at release. Item scores are weighted based on their empirical association with

recidivism (Vrieze & Grove, 2008). Scores on the MnSOST-R can range from 1 to 31.

Epperson et al. (2003) suggested scores of 3 and below as indicating a low-risk level

(12% recidivism likelihood within 6 years), scores from 4 to seven as indicating a

moderate risk level (25% recidivism likelihood), and scores of 8 or above as indicating a

high-risk level (57% recidivism likelihood).

Compared with the Static-99, the MnSOST-R has fewer cross-validation studies

and more critiques (Boccaccini et al., 2009; Vrieze & Grove, 2008; Wollert, 2002; 2003).

Boccaccini et al. (2009) argued that there was a significant difference in the MnSOST-R

actuarial assessment scores of generally violent offenders not identified as SVPs than

individuals identified as SVPs conducted as part of the Texas civil commitment program

Summary

During the late 1980s and 1990s several repeat offenders were found to continue

to place the nation's women and children at risk. This horrific reality caused the media to

pressure several local and federal government agencies to aid in the introduction of the

reenactment of the "sexual psychopath" laws of the 1940s. Expanding the 1940s laws

required the use of several points as civil commitment statutes, which remain in place

today. The first case to gain media attention regarding the use of the civil commitment

laws was Earl Shriner. Shriner was identified as a perpetrator based on his repeated

disclosure of plans to mutilate, sexually assault, kidnap, and murder a child during his

court ordered treatment for another crime. Once released he did commit the crime he had

detailed to his mental health profession, thus making him one of the first to be committed

under the civil commitment program.

Twenty-one states in the United States that have SVP civil commitment laws.

SVPs are individuals previously convicted of multiple sexually violent offenses and are

presumed to be more prone than general sex offenders to recommitting additional

offenses. Texas did not adopt the civil commitment law until 1999, however; Texas

remains the only state that offers an outpatient civil commitment program. The Texas

civil commitment program offers the individual otherwise labeled as SVP to live in state

funded half-ways houses under the supervision of the multifaceted program offering

treatment, registration, GPS monitoring, and continuous supervision.

The state of Texas currently uses three actuarial measures to identify and evaluate SVPs: The Static-99, the PCL-R, and the MnSOST. This quantitative study was to investigate whether and how strongly these three measures predict recidivism for SVPs released from the Texas outpatient SVP civil commitment program. This study added to the research available on the predictive validity of the Static-99, PCL-R and MnSOST assessment tool.

Considering the protective nature and importance of reducing recidivism in SVPs, it was very surprising not to find any research on the effectiveness of the Texas recidivism program. As described earlier, the outpatient model was adopted primarily for fiscal reasons. This study has helped inform that decision by providing some data about the recidivism rates associated with the program. Predicting recidivism among sexually violent individuals is an important and protective act that governments have undertaken with the creation of SVP commitment laws. This undertaking requires research to measure its effectiveness and accuracy. Without accuracy in the measures the laws that serve as protection are not protective at all. As described earlier, many psychologists are critical that these laws and the measures used in practice are not effective. It is expected that tis studt will help inform this debate at the local and federal levels.

Chapter 3 describes the research method.

Chapter 3: Research Method

During the 1980s and early 1990s, the high number of sexually based offenses committed in the United States by individuals who had previous convictions for similar types of crimes constituted a failure on the part of the country to protect the women and children. However, it was not until 1999 that the state of Texas joined the other 21 states in legislatively enacting the Civil Commitment of Sexually Violent Predators Act (76th Leg., R.S., ch. 1188 Code § 4.01.199 Tex. Gen. Laws 4143). This act stipulated that within the general population there is a small but dangerous group of offenders, who, due to a mental health diagnosis and a behavioral abnormality were unable to control their sexually violent actions. The state of Texas, having evaluated the economic cost of such an act, decided to provide an outpatient program to supervise these individuals. Texas adopted the use of the Static-99, PCL-R, and MnSOST-R assessment tools for two reasons: to identify individuals in court proceedings as likely to recidivate and to inform any decision to release an offender.

According to the literature review, there is limited empirical knowledge about recidivism among SVPs. In addition, the methodology literature revealed that there is limited research on the effectiveness of actuarial assessment tools to predict recidivism among SVPs. The actuarial assessment tools (Static-99, MnSOST-R and PCL-R) for SVPs are without adequate data to support their predictive validity. The purpose of this quantitative study was to examine how the scores on these tools related to each other and whether they could predict recidivism in the SVP population in the Texas civil commitment program.

This chapter describes the study's research question and the research methodology used to address it. Bivariate linear regression was used to evaluate how the Static-99, PCL-R, and MnSOST-R scores related to each other and to determine whether these relationships could predict recidivism within the SVP population in the Texas Civil Commitment Program.

Research Design and Rationale

This study used the archival data related to the assessment scores of everyone labeled as a SVP during the 2009-2013 commitment period. Specifically, scores on the Static-99, Hare Psychopathy Checklist-Revised (PCL-R), and Minnesota Sex Offender Screening Tool-Revised (MnSOST-R) will be collected. These scores were evaluated to determine if there is a predictive value in combing the scores to determine recidivism and if these scores predict recidivism in this population. In other words, the independent variables in this study are Static-99, Psychopathy Checklist-Revised, and Minnesota Sex Offender Screening Tool-Revised scores. These are court ordered assessment tools that are provided to all SVPs in the civil commitment program. The dependent variable in this study will be recidivism of SVPs in the Texas Outpatient Civil Commitment Program. For this study, sexually violent behavior was evaluated as SVPs are said to be more likely to recidivate and too often this recidivism is once again a sexually based offense.

Thus, the data in this study was not be collected by the researcher, but received from the state of Texas. The scores used to predict the relationship, if any exists, between the tools' scores and recidivism and/or if a relationship exists between the tools. While the state of Texas accepts that these assessment tools are accurate in labeling the

individual as a SVP, the empirical question of whether assessment tools (Static-99, MnSOST-R, and PCL-R) truly predict recidivism in this population have not been answered.

Method

Population and Sampling Procedures

This study is confined to a file review based upon a convenience sample of 205 male adults labeled as SVPs and court ordered to be confined to the Texas Civil Commitment Outpatient Program during 2009-2013 fiscal years. Of the 205 SVPs committed during the fiscal year, 32.35% were African American, 47.06% were European American, 17.65% Hispanic, and 2.94% Native American. This study addressed all the labeled and confined offenders in the program during this period. The researcher will not have any contact with participants. The data compiled and supplied to the researcher through the state open record system without any personal identifying data on either the predator or his victims. In addition, the assessments are done as part of the program and each participant was required to complete the testing by court order.

LeBlanc and Fitzgerald (2000) stated that when logistic regression is used, sample sizes, n>30 for each predictor variable, are required to achieve sufficient statistical power. Hence 90 participants were randomly selected form the data provided by the Texas Open Record System. This random selection allowed this researcher to adequately represent SVPs fairly during the 2009-2013 fiscal year of commitment.

Dataset

This study used existing data provided by the Texas Department of Open Records. The Open Record System allows anyone to receive data provided that the information requested does not violate the individual's right to privacy or violate the principle of the law that was used to obtain the requested data. This researcher has requested the total scores for Static-99, MnSOST-R, PCL-R, and the number of months before additional violations if any, as defined by Texas Civil Commitment of Sexually Violent Predators Program as reason to violate commitment program, sex and gender for all SVPs within the program during the fiscal years 2009-2013. The request for data, once submitted, was sent to the legal professional handling the Civil Commitment Program (Texas Id. § 841.022). The lawyer reviews the request and identifies what information can be provided and the reason for the request of information. Once the legal requirements are met and satisfied, the data processing professionals are told to release the information the lawyer has identified as acceptable to the requested parties (Texas Id. § 841.022). The client profile database contains information specific to SVP in the civil commitment program such as date of commitment, date of additional offenses, and actuarial assessment scores (Texas Id. § 841.022). This data source is the most comprehensive and accurate source of information compiled on each individual SVP and thus is the only system available for this research. The researcher was not allowed to directly access the data as some personal information and victim information is not coded to protect the privacy of the individual.

Instrumentation

Three instruments were selected for use in this study since the State of Texas orders that each SVP complete the testing series as part of the program. The Static-99, PCL-R, and MnSOST-R are court-ordered actuarial assessment tools that are given to all SVPs in the civil commitment program.

The Static-99 (Hanson & Thornton, 1999) is composed of 10 items designed to measure the level of sexually deviant behavior, specific characteristics of previous victims, persistence of sexual offending, and emotional and/or antisocial personality disorders. The measure produces a score that ranges from 0 to 12 and results in four risk categories: *low* (0-1), *medium-low* (2-3), *medium-high* (4-5), and *high* (6-12). The higher the Static-99 scores; the higher the risk that sexual re-offending may occur (Hanson & Torton, 2000).

The Psychopathy Checklist-Revised (PCL-R) is a 20-item scale used in forensic and clinical settings to give an indication of the level of psychopathy an individual present (Hare, 1990). The measure involves a semi-structured interview and the use of file information. In the PCL-R, Hare (1990) defined psychopathy according to two broad factors: (a) refers to the selfish, callous and remorseless use of others to reflect their interpersonal and affective characteristics and (b) chronically unstable, antisocial and socially deviant lifestyles. The higher the total PCL-R score, the more the results reflect the individual prototypical behavior as psychopath.

The Minnesota Sex Offender Screening Tool–Revised (MnSOST-R) is a 16-item actuarial assessment tool designed to predict sexual recidivism among offenders that have committed sexual offenses other than incest (Epperson et al., 1998). Twelve of the MnSOST-R items assess historical or static predictors of recidivism, such as the number of sex offenses, offending in public places, and the use of force or threat of the offense (Epperson et al., 1998). Four items assess intuitional or dynamic predictors, such as receiving treatment while incarcerated and age of release. Items scores are weights that vary from item to item. Scores on the MnSOST-R can range from 1 to 31. Epperson et al. (2003) suggested scores of 3 and below as indicating a low-risk level (12% recidivism likelihood within six years), scores from 4 to 7 as indicating a moderate risk level (25% recidivism likelihood), and scores of 8 or above as indicating a high-risk level (57% recidivism likelihood).

The dependent variable was recidivism. The institutional review board (IRB) number for this study was 01-18-17-0119704. This research will be provided with whether any of the newly committed SVPs committed recidivism during the fiscal year from the open record system but not the actual incident, due to privacy issues related to the SVP. In this study, recidivism will be defined as no additional sexual offenses committed by the SVP within a one-year fiscal period. The definition of the one-year period is limited to the one fiscal year (2009-2010), which is the year that the SVP was confined into the Texas Civil Commitment Program. For this study, additional offenses are those that involve the intent to arouse or gratify the sexual desire of any person

immediately before, during, or immediately after the attempt, conspiracy, or solicitation to violate or abuse another individual (Council on Sex Offender Treatment, 2010).

Threats to Validity

The assessment tools were conducted by Texas licensed professional and thus the accuracy of each score cannot be assured beyond the fact that the individuals conducting the examinations were licensed professionals at the time of examination. For example, the data collected from the SVP's prison confinement are not part of the open record system and the Static-99 depends on this data. The researcher has no way to verify these portions of the data, and must assume that the licensed professional was accurate. The Minnesota Sex Offender Screening Tool–Revised (MnSOST-R), as previously stated, is conducted on individuals who have not committed incest. Therefore, if an SVP has committed such an offense then the individual will not be provided with this testing tool and, thus, that individual will not have a score for that variable.

The State of Texas is the only state that offers outpatient civil commitment program. According to the State of Texas the reason for the outpatient program is due to the expense of this program and the need to provide society with protection from this small but dangerous population. Considering the outpatient aspect of Texas civil commitment program, the conclusions devised from this examination, while demonstrating internal validity for the outpatient program in the State of Texas, do not have external validity across all the civil commitment programs within the United States.

Ethical Considerations

All the information on the given SVP was combined by TDCJ staff into a

computerized database. Entries were stripped of identifying information after each adult

participant is assigned a unique participant number that is keyed to identifying

information on a list maintained by TDCJ staff. Only the blind-coded data files will be

released to this researcher. However, sex offender registration information can be

accessed by using the public access of the Texas Department of Public Safety website.

The data set received anonymous with regards to the individual SVP, thus the issue of

confidentiality and the storage of such data will not apply. Once the analysis is completed

the information will remain with this researcher and thus analysis only will be available

by anyone with access to this dissertation. This researcher has no conflict of interest as I

don't have any direct or indirect contact with either the licensed professionals who

conduct the tests, the individual SVPs, the State of Texas employees, or the legal team

working with this population.

Data Analysis Plan

Once the researcher received the data, the only limitation in the data file will be if

the offender(s) where convicted of incest as one of the tools cannot be used if that is the

case. These offender (s) did not have a data set for the MnSOST-R. The data requested is

the total score for each assessment and this researcher will not have to calculate the final

score as it will be provided.

This study evaluated the following research questions and their corresponding

hypotheses:

1. Does the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores increase predictive value of recidivism in SVPs?

Within this question, the predictor variables are Static-99 (X1), PCL-R (X2), and MnSOST-R (X3), to predict if one criterion variable, has more predictive value than combining the scores (Y). The equation regarding this is;

Y (relationship) $= B1(X1) + B2(X2) + B3(X3) + $ Constant.

This researcher plans to evaluate the center or the "central tendency" of the relationship between the scores to evaluate the predictive value of combing the scores to predict recidivism within the SVP population.

2. Are there differences among PCL-R, Static-99, and MnSOST-R in accurately predicting recidivism in SVPs?

Within this study, the predictor variables are Static-99 (X1), PCL-R (X2), and MnSOST-R (X3), to predict one criterion variable, recidivism (Y). Since the criterion is a binary variable, the research will use binary logistic regression to conduct this analysis. This analysis evaluates ability of each assessment measure to independently predict recidivism, controlling for the influence of the other scores.

Summary

The purpose of this research was to investigate the Static-99, PCL-R, and MnSOST-R on how the scores relate to each other and their accuracy of prediction of recidivism and if combining the scores add to the predictive value in newly labeled SVPs during the 2009-2013 fiscal years in the Texas Civil Commitment Program. The participants are derived from a convenience sample of 205 adult SVPs in the Texas Civil

Commitment Program. Participants were assessed for commitment in the program and given the Static-99, PCL-R, and MnSOST-R. The researcher will evaluate the 205 adults labeled as SVP and court ordered into the Texas Outpatient Civil Commitment Program during the 2009-2013 fiscal years. The evaluation targeted the all the offenders in the program for this fiscal period. The three assessment tools (Static-99, PCL-R, and MnSOST-R) are court ordered to be completed and thus performed by licensed professionals.

The State of Texas suggests that the assessment tools provided the needed mental diagnosis and additional criteria legally required to label an individual as sexually violent. This researcher used this court ordered data in the form of correlations and regression analysis, to explore how the scores relate to each other and whether they predict recidivism among the SVP population in the Texas Civil Commitment Program. Thus, allowed this researcher to make draw conclusions regarding the relationship between the Static-99, PCL-R, and MnSOST-R and the accuracy of these assessment tools in the prediction of recidivism within the newly labeled SVPs population in the Texas Outpatient Civil Commitment Program.

Chapter 4 presents the procedure used for coding, entering the data for analysis, and the results of the data analysis.

Chapter 4: Results

The purpose of this quantitative study was to evaluate whether three actuarial assessment tools used to label sex offenders as SVPs could predict recidivism within the SVP population. Predicting recidivism within this small but dangerous group can be vital in preventing additional victims (some of whom have been murdered), and procuring future treatment for SVPs.

Two research questions were formulated to guide my study in exploring the effectiveness of the Static-99, MnSOST-R, and the PCL-R scores in predicting recidivism among the Texas SVPs who were court-ordered into supervision during fiscal years 2009-2013:

RQ1. Does the combination of Static-99 scores, PCL-R scores, and MnSOST-R increase predictive value of recidivism in SVPs?

$H1_0$: There is no increase in predictive value of recidivism with the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores in SVPs.

$H1a$: There are increase in predictive value of recidivism with the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores in SVPs.

RQ2. Are there differences among PCL-R scores, Static-99, and MnSOST-R scores in the predictive value of recidivism in SVPs?

$H2_0$: There are no differences among PCL-R, Static-99, and MnSOST-R scores in predicting recidivism in SVPs.

*H*2*a*: There are differences among PCL-R, Static-99, and MnSOST-R scores in

predicting recidivism in SVPs.**Data Collection**

The data, which were obtained from the State of Texas Open Record System,

consisted of SVPs court-ordered to be supervised during the years 2009-2013 of the

Texas Civil Commitment program. The data from the open record system was provided

with no contact with the population nor the database; no identifying information was

included with the data. The open record system replied to my request within 2 weeks with

the total scores for each SVP in the system during the requested years of 2009-2013.

Several SVPs had missing scores, reason provided was, "because there was not enough

information or the actuarial assessment tool was not scored". As mentioned in Chapter 3,

the MnSOST could not be conducted if the predator's victim was a family member.

Therefore, some missing values were expected in this assessment. However, the PCL-R

was also missing values, which was not expected. The data collection strategy was in line

with that presented in Chapter 3.

The SVP population was all male. The population represented the total SVPs

within the Texas Civil Commitment program during fiscal years 2009-2013. The

demographic distribution was as follows: 28% African American, 52.15% European

Americans, 18.66% Hispanic, and 0.48% Native American or Alaskan Native. The age

range was 28-70 years with a mean of 53.91 (standard deviation of 9.36).

LeBlanc and Fitzgerald (2000) stated that when logistic regression is used, sample

sizes $n > 30$ for each predictor variable are required to achieve sufficient statistical

power. Therefore, 90 cases were needed for this study. With this assumption, the data

were edited to remove the cases with missing values, and then the first 90 participants were included in the analysis. Hence the 90 participants were randomly selected from the data given to me. Random selection was chosen to allow equal representation and thus, should represent the SVPs in Texas Civil Commitment.

Results

The total number of participants was 90 Texas SVPs. All the participants received and were scored on the PCL-R (mean = 21.68, SD = 6.58), Static-99 (mean = 4.86, SD = 1.54), and MnSOST-R (mean = 8.68, SD = 4.23) and the dependent variable was violations (mean = 1.59, SD = .49). Means and standard deviation for assessments and violation are presented in Table 1.

Table 1

Means and standard deviations for assessments and violations

	Max	Min	*M*	*SD*
PCL-R	5	36	21.68	6.58
Static-99	1	8	4.86	1.54
MnSOST-R	-5	17	8.68	4.23
Violations	1	2	1.59	.49

Violation was measured as any violation that appeared between the date of commitment until the date of requested date, which was January 19, 2017. Thus, the time period of SVP violation was different. For example, an SVP committed in 2009 had 8 years of violations, while SVPs commitment during the 2013 fiscal year had 4 years of violations. The total number of participants that had not violated was 37 (41.1%) and participants that violated was 53 (58.9%). Frequency and percentages of violations are presented in Table 2.

Table 2

Frequency and percentages of violations

	Frequency	Valid percent
Has not violated	37	41.1
Violated	53	58.9

To answer the research questions and hypotheses, a bivariate logistic regression was used to examine if combining the assessment scores predicted recidivism, and if the assessment scores have increased predictive value in the prediction of recidivism within the Texas Civil Commitment program. Statistical significance was determined with a significance level set at .05.

Prior to analysis, the assumptions of logistic regression were evaluated: dichotomous outcome variable and adequate sample size of 30 per predictors was required (LeBlanc & Fitzgerald, 2000). To conduct a logistic regression with three predictors, a minimum of 90 participants are required to achieve empirical validity. The assumption of adequate sample size was met. In addition, the outcome variable is dichotomous measure: violation (has violated vs. has not violated).

Research Question 1

The first research question was: Does the combination of Static-99 scores, PCL-R scores, and MnSOST-R increase predictive value of recidivism in SVPs? It was hypothesized that there are increases in the predictive value of recidivism with the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores in SVPs.

To answer this question, I conducted a binomial logistic regression. Logistic regression analysis results are presented in Table 3. The results were $x^2(1) = 7.99$, p<.05, Nagelkerke $R^2 = 11.5\%$, indicating the group of scores did statistically predict recidivism of SVP. This research evaluated the odds ratio for the total scores. The result was only marginally significant for PCL-R (p =.058 B = .07). Resulting in for everyone unit the odds of recidivism increase 7.7 % for PCL-R, if p had been < .05. The other variables, Static-99 scores and MnSOST-R scores, were not significant to the model.

Concluding, the alternative hypothesis was accepted. There is a significant increase in predictive value of recidivism with the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores in SVPs.

Table 3

Logistic Regression Analysis If Combination of Scores Increases Predictive Value of Recidivism (N= 90)

	B	Wald	P	Exp(B)	95% C.I. For Exp (B) Lower	Upper
PCL-R	.07	3.59	.058	1.07	.99	1.16
Static-99	-.13	.69	.40	.87	.63	1.19
MnSOST-R	.08	1.8	.16	1.0	.96	1.22

Research Question 2

The second research question was: Are there differences among PCL-R scores, Static-99 scores, and MnSOST-R scores in the predictive value of recidivism in SVPs? It was hypothesized that there are differences among PCL-R, Static-99, and MnSOST-R in the predictive value of recidivism in SVPs.

To answer this question, I conducted a binominal logistic regression, and the results are presented in Table 4. In summary, the results were $x^2(1) = 7.99$, p=.04, Nagelkerke $R^2 = 11.5\%$, indicating the group of scores did statistically predict differences among assessments predictive value of recidivism of SVP. The result was only marginally significant for PCL-R (p =.058 B = .07). However, neither the Static-99 scores or the MnSOST-R scores offered a significant contribution to the model. Concluding, the null hypothesis of the second question must be accepted. Although, PCL-R approached significance. There are no differences among PCL-R, Static-99, and MnSOST-R scores in predicting recidivism in SVPs.

Table 4

*Logistic Regression Analysis If Differences
in Assessment Scores Factor in Predicting Recidivism (*N= 90)

	B	S.E.	P	Wald
PCL-R	.07	.03	.05	3.59
Static-99	-.13	.16	.40	.69
MnSOST-R	.08	.06	.16	1.89

Summary

The goal of this study was to examine the three actuarial assessment tools used to identify multiple sex offenders as SVPs were also able to predict recidivism. The first question focused on whether the combination of the Static-99 scores, PCL-R scores, and MnSOST-R scores offer an increased predictive value to the predictions of recidivism in SVPs. The results of the analysis showed the model was significant. As predictors, the PCL-R approach significance while, the other variable did not. Therefore, the alternative

hypothesis was accepted. There is a significant increase in predictive value of recidivism with the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores in SVPs.

The second question examined whether there are no differences among the Static-99 scores, PCL-R scores, and MnSOST-R scores in the predicting recidivism in SVPs. Concluding, there is not a significant increase in predictive value of recidivism with the combination of Static-99 scores, PCL-R scores, and MnSOST-R scores in SVPs. In the next chapter, the conclusions, implication of the results, as well as recommendations for future research and investigations.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

Within the last 20 years, a small but dangerous group of the population has been identified and labeled as SVPs. As with any new group, research is important to understand how to establish accurate membership the group and, in this case, how to provide treatment they need without added punitive measures. SVPs are more likely than other types of former criminals to recidivate (Council on Sex Offender Treatment, 2010; Weiss & Bala, 2009.) The purpose of this quantitative study was to evaluate three assessment tools for their ability to predict recidivism and recidivism within the Texas SVP population.

Because the Texas SVPs are court-ordered to undergo psychological testing, I chose to examine (a) how well the labeling assessment tools, Static-99, MnSOST-R, and PCL-R, predict recidivism; and (b) whether their combination increases their predictive value within the Texas SVP population that was court-ordered into supervision during fiscal years 2009-2013. To answer these two research questions, I used bivariate, linear regression analysis. Together, the three tools significantly predicted recidivism, but individually, only PCL-R even approached significance in predicting recidivism. These findings and their implications are discussed in this chapter.

Interpretation of Findings

Final data analyses were conducted on 90 archival cases, as indicated by the power analysis (see Chapter 3). Two research questions were formulated to guide the study on the effectiveness of the assessment tools (Static-99, MnSOST-R, and PCL-R) in

predicting recidivism among the Texas SVPs who were court-order into supervision during fiscal years 2009-2013: (a) Does the combination of Static-99 scores, PCL-R scores, and MnSOST-R increase the predictive value of recidivism in SVPs? (b) Are there differences among PCL-R scores, Static-99, and MnSOST-R scores in their predictive value of recidivism among SVPs?

For RQ1, the results of the analysis showed that the model was significant. That is, the three scales together were significant predictors of recidivism among SVPs. For RQ2, the MnSOST-R and Static-99 did not significantly predict recidivism among SVPs. Nor did the PCL-R, but at $p = 0.058$, it approached significance.

The behavioral theory developed by Meehl suggested that empirical judgement that uses objective procedures or equations to obtain judgement is more reliable when assessing people (Grove & Meehl, 1996; Meehl, 1965; Peterson, 2006). Indeed, there is sufficient data to support the assessment tools' ability to accurately label an individual as a SVP (Boccaccini et al., 2010; McLawsen, Scalora, & Darrow, 2012; Neller & Petris, 2013). The results of this study extend Meehl's claim by demonstrating that empirical judgement is also accurate in predicting recidivism within the SVP population. For example, in both cases, a range of data needs to be brought together to help reach a yes/no conclusion.

These results provide evidence of the assessment tools' ability to correctly identify SVPs and reliably predict recidivism in this population. This further supporting the proposition that empirical judgement is reliable (Neller & Petris, 2013). Not to mention, the focus of the study to identify recidivism within the Texas SVP population

while using the court ordered testing tools has been sustained by the results of this study. This provides evidence reinforced Texas' decision to use these tools with their SVPs.

The results of the PCL-R are worthy of note. While the PCL-R did not significantly predict recidivism, the PCL-R approached significance. In contradiction of Miller et al. (2005) low accuracy rate of the PCL-R, suggest lower ability to predict recidivism with the SVP population. Later research support the PCL-R's predictive accuracy was low within the SVP population (Boccaccini et al., 2010). It is possible that these studies' determinations of PCL-R's low accuracy rate may in part be contributed to the two factors of the PCL-R. Specifically, PCL-R Factor 1, identifies the emotional thus, referring to superficial emotion, manipulation, and pathological lying (Hare, 2003). While PCL-R Factor2, identifies the behavioral aspect such as disinhibition or impulsivity and negative affectivity (Patrick, Fowles, & Krueger, 2009). Factor 2 is most likely linked with the idea of "volitional impaired" (Skeem et al., 2005). Therefore, possibly, to investigate the predictive value of these factors separately, could find that Factor 2 ha a stronger predictive value than Factor 1.

Within the same indications, the Static-99 and the MnSOST-R are both actuarial assessment tools with support for labeling the offender, but not in the prediction of recidivism within the SVP population (Boccaccini et al., 2010). The results of this study determined that the Static-99 was not a significant as an individual predictor of recidivism. Specifically, the Static-99 measures sexually deviant behavior. It is possible that offenders in this study did not recidivate because of sexually deviant behavior.

Indeed, studies show that sex offenders are often reconvicted for offences which are not sexual in nature (McLawsen et al, 2012).

Building the same assumption, the MnSOST-R is an actuarial assessment tool designed to predict sexual recidivism among offenders that have not committed incest (Epperson et al., 1998). The results of this study revealed the MnSOST-R not significant as an individual predictor. Further supporting Boccaccini et al., (2009) argument that MnSOST-R is more accurate with prediction of recidivism among general sex offender not identified as an SVP. Overall, while the Static-99 and MnSOST-R are actuarial assessment tools with significant combined with the PCL-R, demonstrate the ability to predict recidivism within the Texas SVP population. As individual predictors of recidivism the Static-99 and MnSOST-R are not significant and this may be due to either the measure of the tools or the idea that the behavioral abnormality that makes the SVP unable to control the urges is not measured as part of the tools assessment (Texas Id. § 841.021).

Limitations of the Study

The first major limitation to my study are the lack of generalizability towards all SVPs across the nation, as Texas is the only state with an outpatient civil commitment program. Texas law established a civil commitment program that is treatment based without punitive measures. In Texas, the sexually violent predator's ability to be supervised while living within general society within halfway houses and not prison or mental facilities remains an example of the lack of punitive treatment for SVPs (Texas Id. § 841.021). An example of the differences within the SVP population in the nation,

McLawsen et.al., (2012) examined exhibited risk levels of SVPs in Washington, Florida, and Wisconsin their research suggested that the increased risk would not allow the SVP in these populations to successfully receive treatment and other resources within the general community.

The lack of community support program or the opportunity to live within the community without additional risk to the society is one of major reasons this study cannot generalized. McLawsen et. al. (2012) did suggest that SVP in Nebraska demonstrated somewhat lower risk and would not need such strict commitment within that geographic location. Although Nebraska does not have an out-patient SVP program, the in-patient program is based on actuarial assessment tools, Static-99, MnSOST-R, and Violence Risk Appraisal Guide. Furthermore, McLawsen et al., (2012), state that within in geography location with lower risk out-patient program would benefit the SVP, this statement could be used to add support for the State of Texas out-patient SVP program.

This research must accept that the results might have been influenced by the professionals conducting the actuarial assessments. Because the data were archival there is no way of knowing the inter-rater reliability and if the professional conducting the assessment was scored with all detailed information available for accurate assessment. However, the issue of fundamental accurate assessment remains in debate due to the limited research available on SVP assessments (Boccaccini et. al., 2009).

One final limitation of this study was that the length of time for measuring recidivism was not equal to all Texas SVPs whose data were used. The measure of recidivism was based on the time between the SVP court-ordered into supervision and the

date this research requested the data on January 19, 2017. Therefore, SVP from 2009 had

longer measures of recidivism than SVP court-order into supervision 2013. This

limitation would suggest that the replication of this study should explore survival time.

Recommendations

Replicating this study is necessary because the results for the bivariate logistic

regression demonstrated the PCL-R approached significance as an individual predictor

for recidivism. This research suggests that since the PCL-R contains factors and the

factors measure different elements, separating the factor scores may provide additional

insight into SVP recidivism. With that in mind, Factor 2 of the PCL-R evaluates

behavioral elements (Hare, 2003) which, may provide evaluation of the SVP behavioral

abnormality that could open the door to better treatment. Overall, the State of Texas

program is based on the idea that the SVP has a behavioral abnormality that makes the

offender more likely to reoffend. Therefore, the idea of gathering better understanding of

this based on the clear exploration of both PCL-R factors can provide the SVP with

treatment and added support to gain removal from the program while protecting the

women, children, and men of Texas society.

This study examined recidivism. It would be helpful for future studies to evaluate

survival time. Survival time is defined as the time within the program before the SVP

receives a violation whether it is of the sexual in nature or not (Texas Id. § 841.022).

Survival time may have a further address the significance of the predictors to both label

and to predict recidivism. Evaluating survival time may provide time periods in which the

SVP is more prone to recidivate thus without violation during this period the likelihood to

recidivate will decrease. This prediction may allow for intense treatment during this period to further increase the prevention method required to supervise the SVP. Overall, replication with survival time has the potential to develop advance treatment interventions and predictors for recidivism which may serve as added protection to the citizens of Texas.

Implications

In the archival data during the 2009-2013 fiscal year, Texas had 58.9% violations within the SVP population of the civil commitment program. With more intense interventions and targeted programs for SVPs, Texas society can prevent additional victims that may lead to the loss of life and livelihood of Texas citizens, not to mention the added cost of legal interventions and in-patient prison programs. With that assumption, the measure of violations has offered Texas citizens protection but protection without targeted intervention is not true protection. The depth of the is due to the reaction to possible positive social change new intervention targeted programs can offer. Furthermore, the impact of positive and focused treatment can offer to the SVP during their struggle to remain offense free.

The knowledge gained from this study could be used by the State of Texas in designing treatment measures, community resources, and targeted supervision for the SVP. More specifically, treatment professionals could use the idea that recidivism may have more significant correlation to psychopathy than sexual deviance. The development of treatment measures specifically targeted towards psychopathy may assist the SVP in maintaining offense free and prevent new victims. While Texas law makers develop

intensive supervision and community resources to assist the SVP with methods to increase awareness of triggers and thus providing much needed prevention to reduce the violations of SVP. Therefore, gaining the support of society whom may not be aware of this program and now has a view of the State of Texas in more advance in its ability to provide protection, treatment, and community support.

The results of this study indicated that the three actuarial assessment tools, in combination, can predict recidivism within the Texas SVP population. This result can offer support for the continued use of the three actuarial assessment tools and support for added measures to provide community support for use of objective procedures or equations to obtain judgements. According to Neller & Petris (2013), accuracy of prediction of behavior based on empirical information removes the possibility for biased judgement. The results support Meehl's position that empirical predictors of abnormal behaviors are often more accurate (1965). The increased support for actuarial assessment tools can open the opportunity for the use of other actuarial assessment tools to increase the understanding and provide additional treatment measures for the Texas SVP population. The foundation of Texas law stipulates that SVP have both mental health diagnosis and behavioral abnormalities that produce violent urges (Texas Id. § 841.022). Therefore, it is these violent urges that may need both added actuarial assessment tools and intensive treatment that may be better identified based on empirical judgement.

Furthermore, the results of this study support the need to maintain and develop strong competency for the professionals conducting the actuarial assessment tools. Considering that the professional conducting these assessment tools are required to only

work within their area of competency, this remains an area in which the State of Texas

can provide the providers with added support and assistance with both maintain the

competency and current testing methods. This added measure of support to the providers

will assist in the increased accurate predictions and preventing recidivism for both the

SVP and those individuals not found to meet the SVP criteria. Not to mention, the

reduction of professional burnout often associated with limited resources and support.

Finally, the demand for the SVP program to have strong multidisciplinary support

to assist in the label of SVP (Council on Sex Offender Treatment, 2010). According to

Texas law the SVP has violent urges that require added supervision (Texas Id. §

841.022). Texas has a history of working with strong multidisciplinary teams to maintain

Texas law and thus can use this structure to make the SVP treatment program as accurate

as the labeling program. To adequately supervise an SVP the law makers, case workers,

therapist, legal team, and criminal division must work very closely to assure that the

unique behavioral abnormalities are being targeted. This requires the support of the

testing professionals and the therapeutic providers to work together to develop treatment

plans and other intervention strategies for the protection of the society. This also requires

the case worker, legal administration and law makers to seek the support, advise, and

current interventions to continue to maintain the State of Texas program as both non-

punitive and treatment based. Overall, the more supportive and diverse multidisciplinary

support board will offer input with both the prediction and reduction of recidivism

through empirical based judgement and not clinical based judgement to help in the

reduction of biases and or additional victims.

The positive social change that can develop from this study is multifaceted. From the SVP perspective, the assessment tools that label can also predict recidivism. This allows for increased support of behavioral techniques to assist the SVP to remain offense free. An example of this is the evaluation of psychopathology verses deviance in the development of treatment measures, supervision plans, and targeted community resources. From Texas society perceptive, support of the assessment measure that address targeted ability to predict both the label and recidivism allows new and deviations in the budget planning. Therefore, target interventions can accurately move resources to professional assessment education and allow these professionals to more accurately advise the development of target specific programs and supervision.

In addition, providing assessment professionals with added support and education to conduct assessments reliably, would indirectly prevent additional recidivism. For example, Texas taxpayers support law enforcement, court systems, and victim assistance programs. If Texas has reduced recidivism the need for tax dollar budgeted towards these programs may be decreased or transferred to assessment policy, testing education, multidisciplinary planning for interventions, and community resources. These target interventions within the SVP population have the potential to maintain lower SVP recidivism rates thus lower victim rates. Allowing Texas to offer a prevention program that has research proven support of the protection laws developed to protect the men, women, and children of Texas society without added punitive measures for the sexually violent predator.

Conclusion

Public outcry for protection has led to the evaluation and legal remedies to confine and treatment intervention for a small but sexually violent members of society. For a nation to suggest that justice and equality are the foundation of society and then allow individuals whom are not safe to the members does both a disservice and assist in the creation of generations of victims. Several states including Texas has understood this issue and developed laws and policy to assist in the prevent of addition crimes and victims (Texas Id. § 841.021). The admission that Texas has 58.9% recidivism is an acknowledgement of the practitioner's ability to label the offenders as SVP.

The purpose of this study was to determine if the Static-99 scores, MnSOST-R scores, PCL-R scores increase predictive value of recidivism in SVP and if there are difference between the Static-99 scores, MnSOST-R scores, and PCL-R scores in predicting recidivism in SVPs in Texas. In addition, this study helped to reveal that three assessment tools, Static-99, PCL-R, and MnSOST-R do predict recidivism within the Texas SVP population. This study did reveal, however, that assessment tools as individual predictors were not significant predictors, with only the PCL-R approaching significance.

The results of this study helped to reveal that evaluating the PCL-R factors may provide insight to prevention within the SVP population and examining survival rate may also provide insight to reduction of recidivism. Learning more and developing treatment measures that are specific to the Texas SVP provides the need non-punitive measure as well, as prevention of additional victims. This study also revealed that assisting the

professionals that conduct testing to maintain competency is paramount to accuracy predictions of both SVP label and SVP recidivism.

The impact of positive social change that the study provides is in both treatment of labeled SVP, accuracy of SVP predictive recidivism, and the reduction of additional victims that can lead to loss of life to the men, women, and children of Texas society. In addition, the impact of the State of Texas providing more support for the provides that are conducting the actuarial assessment tools has the potential to reduce inaccurate labeling, professional burnout, and increase professional competency. Despite the positive social change this study revealed there were several limitations of this study. More Specifically, the lack of generalizability of this study to all SVPs due to the State of Texas Out-patient program. In addition, the near significance of the one predictor, PCL-R, may be contributed to the need to evaluated recidivism in Texas SVP based on the separate Factors of the actuarial assessment tool.

In addition, it is worth mentioning that the results of this study prove that more research is need with the SVP population. The fact that society is fearful of this small but dangerous group is not a debate but the fact that fear should not rule the decision on treatment and laws but rather research based conclusions is the direction this research hopes that lawmakers move towards. Lawmakers have proven to be more reactive than proactive, example of this is civil commitment laws, but with more research we can begin to build more laws that target issues and build a stronger society without fear and media pressure. Therefore, future replication of this study is recommended.

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