

# Updates from the Forensic Assessment Division

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# Road Map

- ▶ Review recidivism data which demonstrate the predictive validity of the CRA.
- ▶ Key findings from the 2023 CRA analysis
- ▶ Charting the path forward
- ▶ Race/culture/identity informed approach to the CRA
- ▶ Enhancements to how we evaluate sexual recidivism.

# Observed Recidivism Base Rate Comparisons at Three Years Post-Release

	Shorter-term Supervised Persons Released Without Discretion in California (2018-19)	Longer-term Supervised Persons Discretionarily Released in California (2018-19)
Violent Crime Convictions	<b>6.6%</b> (Felony Crimes Against Persons)	<b>0.19% (99.8% were conviction free)</b> (0.19 % Felony Crimes Against Persons)
All Misdemeanor and Felony Convictions	<b>41.9%</b> (20.9% felony and 21.1% misdemeanor convictions)	<b>2.1% (97.9% were conviction-free)</b> (.7% felony and 1.4% misdemeanor convictions)

# Recidivism of Persons (N =3,152) Granted Parole and Released by the Board (Released between 7/1/2018 and 6/30/21)

	Three-Year Re-Convictions
Low	43 of 1,771 (2.4%)
Moderate	38 of 1,241 (3.1%)
High	N/A

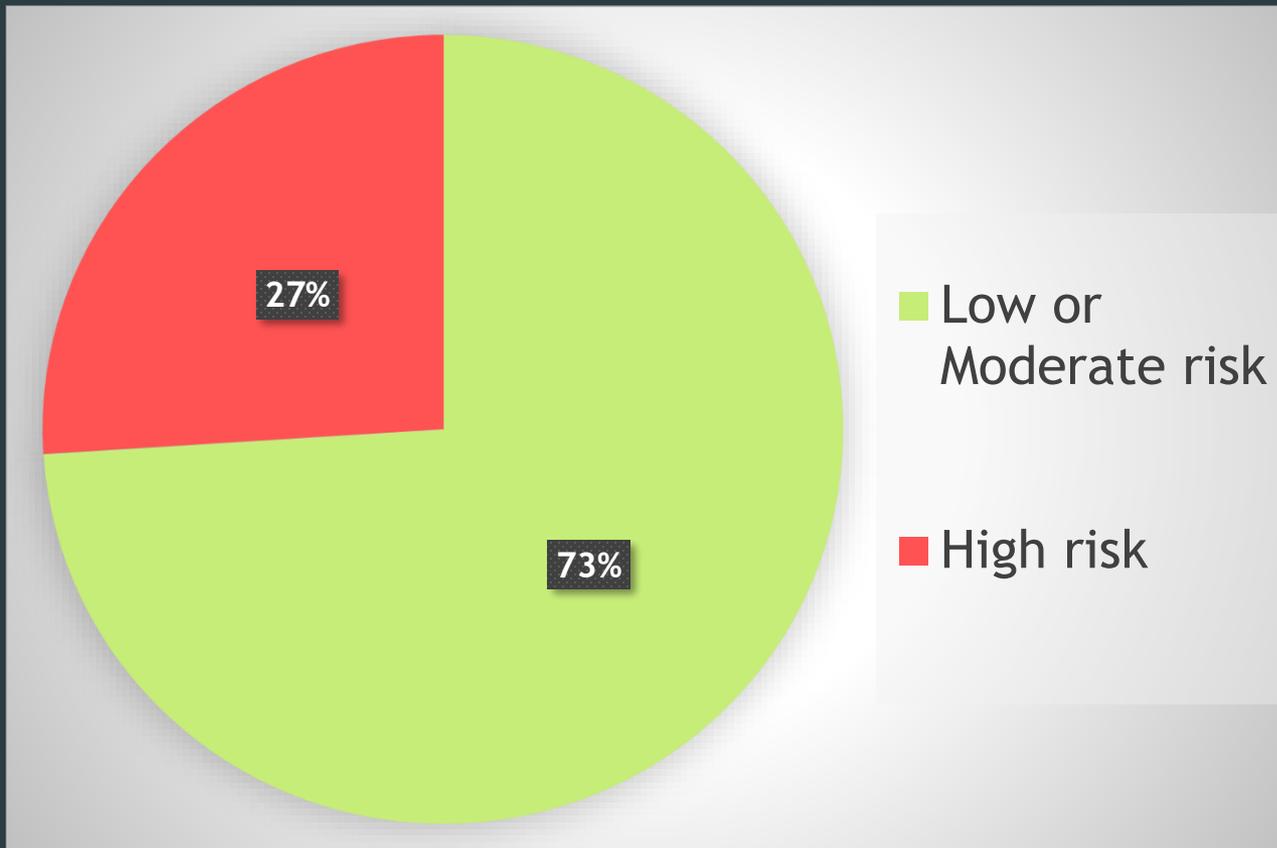
# Recidivism of Persons (N = 172) Denied Parole but Released at the Conclusion of Determinate Terms (Released between 7/1/2018 and 6/30/21)

	Three-Year Re-Convictions
Low	N/A
Moderate	10 of 89 (11.2%)
High	10 of 45 (22.2%)

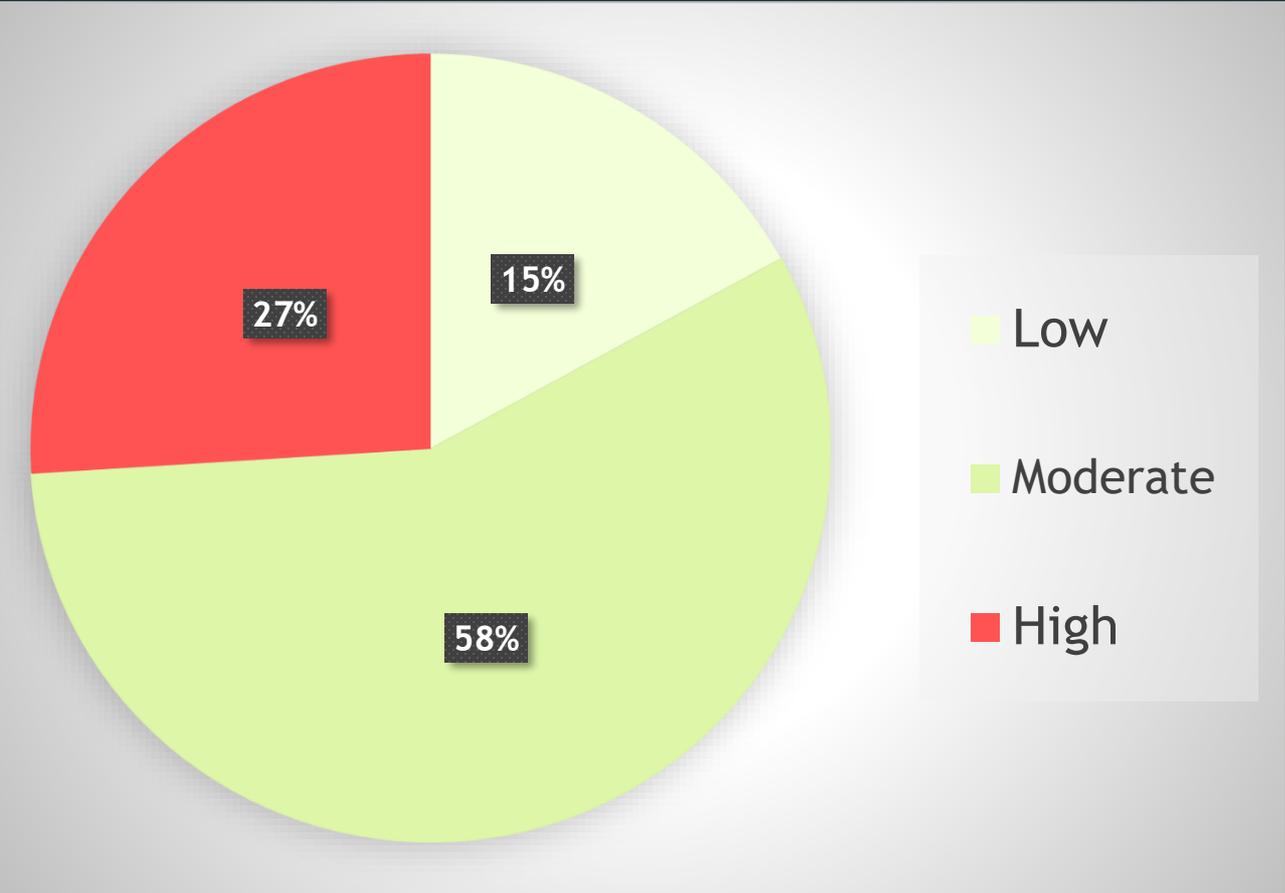
# Risk Categories

Risk Category	Definition
Low Risk	Non-elevated risk relative to long-term supervised persons and <b>well below average risk</b> relative to shorter-term supervised persons released without discretion.
Moderate Risk	Elevated risk relative to long-term supervised persons and <b>non-elevated risk</b> relative to shorter-term supervised persons released without discretion.
High Risk	Markedly elevated risk relative to long-term supervised persons and <b>average risk</b> relative to shorter-term supervised individuals released without discretion.

- ▶ Most long-term incarcerated persons (**73%**) in 2023 were assessed by FAD psychologists to represent non-elevated risk relative to shorter-term supervised individuals released without discretion.



► Of 4,181 CRAs administered in 2023, psychologists opined (15%) of examinees were Low Risk, (58%) were Moderate Risk and (27%) were High Risk



## Risk Categories and Average Classification Scores and Ages

	Average Classification Score	Average Age
Low	22	54
Moderate	34	53
High	91	47

## HCR-20-V3's Twenty Risk Factors Assessed to be *Present To Some Degree*

	Average Number of Risk Factors Assessed to be Present to Some Degree
Low	11 of 20 Risk Factors
Moderate	15 of 20 Risk Factors
High	17 of 20 Risk Factors

# Risk Categories and Historic Risk Relevance

	<i>Current High Relevance of History of Problems With Other Antisocial Behavior</i>	<i>Current High Relevance of History of Problems With Substance Use</i>	<i>Current High Relevance of History of Problems With Personality Disorder</i>	<i>Current High Relevance of History of Problems With Treatment Or Supervision Response</i>	<i>Current High Relevance of History of Problems With Traumatic Experiences</i>
Low	3%	6%	4%	1%	3%
Mod	25%	31%	30%	32%	8%
High	73%	61%	78%	90%	21%

## History of Problems with Major Mental Disorder

	Present to Some Degree (H6)
Low	33%
Moderate	45%
High	61%

## History of Problems with Major Mental Disorder

- ▶ Of long term incarcerated persons with history of problems with major mental disorder:
  - ▶ 10% were rated Low risk.
  - ▶ 55% were rated Moderate risk.
  - ▶ 34% were rated High risk.

## Recent Problems with Symptoms of Major Mental Disorder

- ▶ Of long term incarcerated persons with recent problems with symptoms of mental disorder:
  - ▶ 6% were rated Low risk.
  - ▶ 50% were rated Moderate risk.
  - ▶ 45% were rated High risk.

- ▶ Participation in mental health services is not a barrier for favorable risk assessment and parole release and for some people it is an essential component of risk management and successful community transition.

## Clinical and Risk Management Problems

Clinical *or Recent* Problems and Risk Management *or Future* Problems Differentiate Low, Moderate, and High Risk Groups Better than *Historic* Problems.

# Recent Problems with Instability

	Present to Some Degree (C4)	Assessed to be Highly Relevant to Current Risk
Low	6%	0%
Moderate	35%	12%
High	81%	69%

# Recent Problems with Instability

- ▶ Of long term incarcerated persons with recent problems with instability:
  - ▶ 2% were rated Low risk.
  - ▶ 48% were rated Moderate risk.
  - ▶ 50% were rated High risk.

# Recent Problems with Treatment or Supervision Response

	Present to Some Degree (C5)	Assessed to be Highly Relevant to Current Risk
Low	18%	1%
Moderate	65%	26%
High	96%	86%

## Recent Problems with Treatment or Supervision Response

- ▶ Of long term incarcerated persons with recent problems with treatment or supervision response:
  - ▶ 4% were rated Low risk.
  - ▶ 57% were rated Moderate risk.
  - ▶ 39% were rated High risk.

# Recent Problems with Self-Awareness

	Present to Some Degree (C1)	Assessed to be Highly Relevant to Current Risk
Low	37%	3%
Moderate	87%	35%
High	88%	71%

## Recent Problems with Self-Awareness

- ▶ Of long term incarcerated persons with recent problems with self-awareness:
  - ▶ 7% were rated Low risk.
  - ▶ 63% were rated Moderate risk.
  - ▶ 30% were rated High risk.

# Future Problems with Stress or Coping (Anticipated In the Community)

	Present to Some Degree (R5)	Assessed to be Highly Relevant to Current Risk
Low	95%	11%
Moderate	99%	47%
High	97%	89%

## Future Problems with Stress or Coping (Anticipated In the Community)

- ▶ Of long term incarcerated persons expected to have future problems with stress and coping:
  - ▶ 15% were rated Low risk.
  - ▶ 59% were rated Moderate risk.
  - ▶ 27% were rated High risk.

## Static-99R

Static-99 Risk Category	Percent	Recidivism Estimate
Very Low Risk	6%	N/A
Below Average Risk	17%	< 1%
Average Risk	41%	1.3% to 2.8%
Above Average Risk	25%	4.8%
Well Above Average Risk	10%	20.2%

# Static-99R

- ▶ Of those who obtained **Well-Above Average** Static-99R Ratings
  - ▶ 3% were Low Risk
  - ▶ 48% were Moderate Risk
  - ▶ 49% were High Risk

## Comparing ISL and DSL Individuals

	ISL	DSL
Low	17%	6%
Moderate	60%	28%
High	23%	46%

# Elderly Parolees and Non-Elderly Parolees

	EP	NON - EP
Low	16%	14%
Moderate	66%	52%
High	17%	34%

# Elderly Parolees

	ISL	DSL
Low	17%	10%
Moderate	66%	65%
High	17%	25%

# Elderly Parolees

	Sexual Offending History	No Sexual Offending History
Low	13%	19%
Moderate	68%	65%
High	20%	16%

# Indeterminately Sentenced 3<sup>rd</sup> Strike

	ISL 3 <sup>RD</sup> Strikers	All Other ISL Persons
Low	11%	18%
Moderate	63%	60%
High	26%	22%

## Indeterminately Sentenced 3<sup>rd</sup> Strike vs. Other ISL

	ISL 3 <sup>RD</sup> Strikers	All Other ISL Long-term
Prior Sexual Offending Histories	35%	26%
Average Static-99R Score	3.9	1.9

## Gender Comparisons: Overall Risk

	Persons Housed at an Institution for Women	Persons Housed at an Institution for Men
Low Risk	27%	15%
Moderate Risk	55%	58%
High Risk	18%	27%

# Parole Decisions Associated With Each Risk Category

	Low Risk	Moderate	High Risk
Grant	68%	24%	1%
Denial	31%	65%	68%
Stipulation	1%	11%	32%

# Parole Decisions and Assessed Risk

	Grants	Denials	Stipulations
Average No. Risks Assessed Present to Some Degree	13	15	16
Average No. Risks Assessed to Have <i>High Current Relevance</i>	2	6	9

# Parole Decisions and Dynamic Risks

	Grants		Denials		Stipulations	
	Present	Relevant	Present	Relevant	Present	Relevant
Recent Problems with Self-Awareness	58%	12%	87%	41%	89%	59%
Recent Problems with Instability	11%	2%	45%	25%	59%	43%
Recent Problems with Treatment or Supervision Response	27%	6%	66%	34%	85%	88%

# Parole Decisions and Dynamic Risks

	Grants		Denials		Stipulations	
	Present	Relevant	Present	Relevant	Present	Relevant
Anticipated Problems with Personal Support	40%	9%	58%	22%	65%	33%
Anticipated Problems Managing Stress	99%	27%	98%	56%	99%	75%
Anticipated Problems with Treatment or Supervision Compliance	65%	12%	89%	50%	98%	76%

# Comparing Parole Denial Lengths

	3-YR	5-YR	7-YR	10 TO 15
Average Risks Assessed Present to Some Degree	14	15	17	17
Average Risks Assessed to Have <i>High Current Relevance</i>	5	8	11	13

# Parole Decisions and Race/Ethnicity (Following CRAs administered in 2023)

	Black	Latinx	White
Grants	27%	26%	23%
Denials	60%	58%	64%
Stipulations	13%	16%	13%

# Summary of 2023 CRA Findings

- ▶ Future violence risk, as our data show, year after year, hinges on the dynamic (changeable) factors and current relevance.
- ▶ It is not the mere presence of historical risk factors (e.g., number of prior arrests), but the current relevance of those historical factors and the dynamic variables (i.e., Clinical and Risk Management factors) which differentiate the three risk categories.
- ▶ Dynamic risks, especially when assessed to be highly relevant, best differentiate persons granted parole from those denied parole or stipulating to unsuitability.
- ▶ Most persons (**73%**) in 2023 were assessed by psychologists to represent non-elevated risk relative to shorter-term supervised persons released without discretion.

# 2024: Race/Culture/Identity Informed CRAs

- ▶ Year after year, we find that the presence of historical risk variables, which could be argued to serve as a proxy for race, do not drive the overall risk rating. The changeable dynamic variables, which are ostensibly within the individual's control, determine overall risk.
- ▶ When relevant, our reports are more explicit in discussing the impacts of race/culture/identity on an individual's world view and how it may have contributed to their history of justice involvement.

# Evaluations of Persons with a History of Sexual Offending

- ▶ The Board has experienced a substantial increase in the number of parole suitability hearings for individuals who have committed sexual offenses. Of the Comprehensive Risk Assessments (CRA) completed in 2023, 26% of the cases required sexual offender risk assessments. In 2022, approximately 33% of individuals evaluated by the FAD had sexual offense histories.
- ▶ Recognizing that sex offender evaluations are highly specialized and different from traditional violence risk assessment, a more nuanced approach is needed.

# What are the options?

- ▶ There is no shortage of sexual dynamic risk assessment tools available for use. The most commonly employed instruments have been considered and evaluated, with our population in mind (VRS-SO, Stable 2007, etc..)
- ▶ Why not use one of those tools?
  - ▶ Concerns regarding generalizability given that the sample characteristics are different from our ethnically, racially and culturally diverse incarcerated population in California.

# The Path Forward

- ▶ In collaboration with a subject matter expert from the Department of State Hospital/Sexually Violent Predator (DSH SVP) unit, the Board will use an enhanced protocol that is currently used in DSH SVP evaluations.
- ▶ A Structured Professional Judgment (SPJ) template for the Assessment of Sexual Dynamic Risk Considerations
- ▶ A systematic and evidence based approach that is used in Sexually Violent Predator (SVP) evaluations, as well as by the Veteran's Administration (VA).
- ▶ The dynamic risk factors in the SPJ model are derived from the existing literature and reflect both empirically identified (by Stable 2007 and Hanson et al. metaanalyses, Mann et al.) and theoretically identified risk dynamic variables (Mann et al., 2012, Seto et. al. 2023).
- ▶ SPJ weighs not only evidence-based risk variables, but also protective factors, and integrating those dynamic variables with the STATIC-99R.

# Path Forward

- ▶ SPJ weighs not only evidence-based risk variables, but also protective factors, and integrating those dynamic variables with the STATIC-99R.
- ▶ SPJ complements the STATIC-99R, and fits in nicely with the HCR-20-V3 and the Board's use of Structured Decision Making Framework (SDMF).

# Why Structured Professional Judgment (SPJ)?

- ▶ **Structured Professional Judgment** recommended by forensic experts as the optimal way to assess for violence risk:
  - ▶ Systematic approach to reduce decision-making errors.
  - ▶ Prompts review of risk and protective factors with scientific and empirical support.
  - ▶ Points to dynamic and changeable factors that can inform interventions to reduce violence.

# Framework of SPJ

Three approaches as identified in the empirical literature will be utilized to develop a comprehensive picture of dynamic risk factors.

- ▶ Dynamic risk factors review;
- ▶ Offense Analog Behaviors (OAB); and
- ▶ Whether the dynamic risk factors have been modulated/offset by protective factors.

# What is Considered Dynamic?

- ▶ As noted in the STABLE 2007 instrument, dynamic risk factors come in two types, *stable risk factors* and *acute risk factors*.
- ▶ In this context, Stable does not mean static/historical.
- ▶ **Stable dynamic risk factors** are personality characteristics, skill deficits, personal predilections, and learned behaviors that relate to risk for sexual recidivism. Examples include having problems with impulsive behavior, never having learned how to solve or resolve personal problems, choosing to have children as close friends, and having sexual preferences for children.
  - ▶ Stable risk factors can be changed or altered through effortful processing. Generally, effortful processing means change occurs by making concerted efforts to learn new patterns of doing things or thinking about things and adopting these new ways or habits over the long term.

# Dynamic risk

- ▶ **Acute dynamic risk factors** are generally short acting factors of unstable temporal duration that can change rapidly, often as the result of environmental or inter-personal conditions that the individual may well have no control over (Hanson & Harris, 2000b). These can include supporters who move away suddenly or decide not to support the offender in the community or a change in circumstance where the offender is suddenly placed in the same environment as potential victims.

# Examples of Sexual Dynamic Risk Considerations

- ▶ Negative Social Influences
- ▶ Intimacy Deficits
- ▶ Poorly Controlled Sexual Impulses
- ▶ Sexual Preoccupation
- ▶ Cognitive Distortions
- ▶ Sexually Deviant Lifestyle
- ▶ Emotional Dysregulation
- ▶ Sexual Deviance
- ▶ Emotional Identification with Children
- ▶ Employment Instability
- ▶ Hostility/Conflicts in Interpersonal Relationships
- ▶ Lack of Concern for Others
- ▶ Multiple Sexual Offense Types
- ▶ Uses Substances in Custody

# Protective Factors

- ▶ Conditions or attributes: skills, strengths, resources, supports or coping strategies in individuals
- ▶ Helps people deal more effectively with stressful events and mitigate or eliminate risk
- ▶ Strengths of individual that reduce the severity of problems and promote healthy and adaptive functioning

# Evidence Based Protective Factors

- ▶ Coping Skills
- ▶ Self-Control
- ▶ Motivation for Sex Offender Treatment
- ▶ Attitudes Toward Authority
- ▶ Living Circumstances/ Stable Housing
- ▶ Financial Stability

## Other Dynamic Factors Which May Mitigate Risk

- ▶ Advanced Age
- ▶ Health Status
- ▶ Sex Offender Treatment (including self-study)

# Thank You!

- ▶ Questions?
- ▶ Comments?