

BETTER TOGETHER

2018 ATSA Conference | Friday October 19 | 3:30 PM – 5:00 PM

F-43

“Dynamic Smackdown” Dynamic Assessment – Promise or Pretext? (Part 2)

Symposium Chair: Andrew J.R. Harris, PhD, CPsych
Offenderrisk

Dynamic Smackdown – F-27: First Afternoon Session 13:30 to 15:00hrs	Time Allotted
Introductory remarks by the Symposium Chair – Andrew J. R. Harris	12 min
1) Dynamic assessment using the STABLE-2007 - Yolanda Fernandez	25 mi
1a) Data presentation on High Risk Men – Jan Looman/Jeff Abracen Very short 10 min TED-style talk	10 min
2) Dynamic Assessment using the VRSSO – Mark Olver	25 min
BREAK	
F- 43: Second Afternoon Session 15:30 to 17:00hrs	
3) Dynamic assessment of protective dynamic factors – The SAPROF-SO Sharon Kelley	25 min
4) The case against the use of dynamic assessment – Brian Abbott	25 min
5) “Open Mic” – all presenters panel discussion responding to audience questions	35 min

Note: the organizers intend to audio-record this double symposium for use as a foundation to a position paper on this issue.

Validation studies show that dynamic prediction tools (STABLE-2007, VRSSO, LSI group of instruments, and others) can extend the predictive validity of risk assessments beyond static, actuarial assessments alone. Vociferous controversy has recently erupted in the sex offender risk assessment world as to whether these instruments can be ethically and reliably used in conjunction with well established and researched actuarially based assessments. Some claim that as static actuarial measures do not consider dynamic risk factors that the presence of any dynamic risk factors for an offender indicates a higher level of re-offence risk than indicated by static testing alone. Other assessors apply these instruments impressionistically, not bothering to refer to the scoring manual for guidance or score it “through a psychodynamic lens” reflecting their basic theoretical leanings. However, more serious concerns must be weighed.

Several commentators believe that until longer-term follow-up studies on indeterminately detained offenders are completed that it is not ethical to apply these measures. Others question whether treatment gains shown while detained are illusory given the

BETTER TOGETHER

2018 ATSA Conference | Friday October 19 | 3:30 PM – 5:00 PM

environmental restrictions. Still others chafe at having their clinical judgement restricted or limited to a set of empirically determined risk factors which may well not consider all contextual variables that should be part of an individual sex offender risk assessment. This symposium includes an extended panel discussion focussed on and responding to the questions of ATSA audience members some of whom are confronted on an almost daily basis with these issues. This symposium is designed to present both sides of this debate with one speaker specifically arguing the case against - leading to a lively and informative debate and ATSA's first Dynamic Smackdown.

Protective Factors and Treatment Change in High Stakes Evaluations

Sharon Kelley, Psy.D.
Sand Ridge Evaluation Unit

Treatment programs for individuals who have been committed as “Sexually Violent Persons” (SVP) often struggle with the need to provide effective assessment and treatment to high risk individuals while the individuals’ criminal history and labels (e.g., “Sexually Violent Person”) fuel public fears and resistance towards release. As a result, SVP trials determining the readiness of the individual to be conditionally or unconditionally discharged are often contentious and adversarial. The conscientious SVP evaluator seeks to be well-prepared by choosing an assessment methodology that both answers the legal question and can be defended under legal challenges. While the vast majority of SVP evaluators agree that sexual risk assessments should involve the Static-99R, far fewer agree on which measures to use to assess dynamic risk and treatment gains, with almost one-third of the SVP evaluators surveyed indicating that they do not use any formal measure (Kelley et al., 2017). Approximately two-thirds of SVP evaluators consider protective factors but do so in an empirically guided way. Yet, without a standardized and anchored way to measure factors that result in decreased sexual risk, this may lead to interpretations of similar clinical data that is more predictive of the evaluator doing the assessment than predictive of the actual risk of the individual (Boccaccini et al., 2013; Kahn, 2017). Further, the predictive accuracy of static tools alone decreases as the individual demonstrates treatment gains (McGrath et al., 2012; Olver & Wong, 2011).

Within SVP programs there is frequent staff and patient demoralization due to long periods of institutionalization and slow discharges with perfectionistic criteria for treatment progress. The protective factors approach provides a way forward for such programs by providing balanced assessments that consider both risk factors as well as positive dynamic characteristics. Measures such as the Structured Assessment of Protective Factors – Sex Offense version (SAPROF-SO; Willis et al., 2017) provide a structured way to identify dynamic protective factors that can be internal and external to the individual as well as those which are environmental in nature. Completion of treatment is generally seen as a

BETTER TOGETHER

2018 ATSA Conference | Friday October 19 | 3:30 PM – 5:00 PM

protective factor; however, SVP facilities cannot provide “certificates of completion” and treatment is legally required to continue until the individual is released by the court. Evaluators are able to determine when a patient has benefited from enough treatment and demonstrate a sufficient level of protective factors in which they have lowered their risk. Instruments like the SAPROF-SO and those that directly measure a reduction of sexual risk due to treatment gains (e.g., VRS-SO; Olver et al., 2017), have a number of benefits in SVP evaluations (e.g., orients the evaluator to seek data about treatment needs as well as strengths/accomplishments; helps the evaluator better assess whether the release plan is a good fit for the individual). Within this presentation, the protective factors approach to SVP evaluations will be described with a concentration on the beneficial use of the SAPROF-SO and VRS-SO. The presentation will include a summary of data from a SVP sample. This summary will describe the use of the SAPROF-SO and VRS-SO at the Sand Ridge Secure Treatment Center as well as the average scores, inter-rater reliability, and concurrent/divergent validity of the two instruments. Lastly, a review of how these instruments are understood in high stakes trials will be provided.

Learning Goals:

- Participants will be able to describe the benefits and limitations of the protective factor approach within SVP evaluations.
- Participants will be able to summarize descriptive data of the SAPROF-SO and VRS-SO in a SVP population.
- Participants will be able to summarize how protective factors are understood in high stakes trials.

Forensic Application of Static and Dynamic Risk Measures: Is It the Right Time?

Brian R. Abbott, Ph.D.
Independent Practice

High stakes risk assessments for forensic purposes, such as involuntary civil confinement of sexually violent predators, present unique challenges for psychologists who are charged with offering expert opinions whether individuals meet a legally defined likelihood for sexual recidivism. Low base rates of sexual recidivism found in contemporary static actuarial experience tables may be insufficient alone to satisfy the legal threshold of risk. The combination of static and dynamic risk factor has been offered to support opinions that the likelihood of sexual recidivism is greater than that predicted by the static actuarial measure alone and, thus, justify opinions that individuals meet the legal threshold of risk. Dynamic risk factors are also used to select Static-99R reference groups, which has significant implications related to the likelihood for sexual recidivism.

BETTER TOGETHER

2018 ATSA Conference | Friday October 19 | 3:30 PM – 5:00 PM

The general theoretical and statistical foundation for dynamic risk factors in predicting sexual recidivism is not in dispute. Rather, the issue is whether dynamic risk factor assessments alone or in conjunction with static measures of risk produce evidence that is relevant to the legally defined likelihood of sexual recidivism. To address the legal issue, the presenter will first discuss two risk assessment procedures, including the mechanical combination of standardized static and dynamic risk instruments (e.g., Static-99R + Stable-2007, Static-99R+ VRS-SO dynamic risk, and VRS-SO) and the clinical adjustment of static actuarial measures using selected dynamic risk factors. Each risk assessment procedure, as applied to high risk sexual offenders, will be examined for external validity, forensic utility when addressing the legally defined likelihood of risk, and non-standardized uses. Research will be presented showing the effect of the Static-99R and Stable-2007 on the likelihood of sexual recidivism risk, as compared to the Static-99R alone. An example will be discussed that illustrates a good fit between the dynamic risk assessment and the legal threshold of risk.

Learning Goals:

- Participants will be able to identify the pros and cons of two major risk assessment procedures that incorporate static and dynamic risk factors.
- Participants will be able to distinguish the reasons why incremental predictive validity is not synonymous with the increased likelihood for sexual recidivism.
- Participants will be able to understand how the reliability and validity static and dynamic risk assessment procedures effect expert opinions about the likelihood of sexual recidivism as defined by law.

Audience/Member Participation Panel Discussion

A half-hour of moderated panel discussion emphasizing questions from the audience – symposium chair to moderate the questions/discussion and ensure equitable access to the microphone.

Financial Interest Disclosure:

Dr. Sharon Kelley is the co-author of the SAPROF-SO manual. It is currently released free of charge at trainings. It is possible that future decisions about publication will result in some small monetary gains. This is undecided. I complete trainings on the SAPROF-SO and VRS-SO. The vast majority of these trainings are done as part of my state work and so I do not obtain extra fees. I complete one to two trainings every year that result in a small stipend.

BETTER TOGETHER

2018 ATSA Conference | Friday October 19 | 3:30 PM – 5:00 PM

Dr. Sharon Kelley is a SVP evaluator with the Sand Ridge Evaluation Unit in Wisconsin. She is currently the chapter president of the Wisconsin Association for the Treatment of Sexual Abusers (WI-ATSA). She is a licensed psychologist in Wisconsin, Minnesota, California, and Massachusetts. She is an approved trainer for the SAPROF, an instrument designed to assess protective factors, as well as the VRS-SO, an instrument designed to evaluate the effect of risk reduction due to treatment change. She is a co-developer of the SAPROF-SO, which is an actuarially-based measure of protective factors specifically designed for individuals who have been charged with sex offenses.

Brian R. Abbott, PhD holds a doctorate in psychology and a master's degree in social work. He is licensed by the States of California and Washington as a clinical psychologist and as a clinical social worker in California. Dr. Abbott is in independent practice based in San Jose, California and conducts evaluations and consultations in nine states. Over his forty-year career, Dr. Abbott has performed more than 1,800 forensic evaluations for criminal, civil, dependency, delinquency, and family courts in a wide variety of areas. For the past sixteen years, Dr. Abbott has conducted sexually violent predator evaluations and has provided consultation to forensic practitioners and attorneys. Dr. Abbott has been sought out to testify as an expert in Daubert and Frye admissibility hearings in multiple states related to diagnosis and risk assessment issues with sexually violent predators. He has conducted research and published peer reviewed articles related to risk assessment of sexually violent predators.