

**STANDARDS FOR  
FORENSIC PSYCHOLOGICAL EVALUATIONS  
OF ADULT SEXUAL OFFENDERS**

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**The San Diego County Sex Offender Management Council**

**Submitted by the Legal Process Subcommittee in January 2003:**

**Eugenia Eyherabide, DDA, Family Protection Division Chief, District Attorney's Office and  
Legal Process Subcommittee Chair**

**Richard Geiler, Secretary to DDA Eyherabide and Legal Process Subcommittee**

**Margaret Bullens, Polygraph Examiner and SOMC Director**

**Judge Michael D. Wellington, San Diego Superior Court**

**Lyn Angene, Special Projects Manager, San Diego Superior Court**

**Mary Ellen Attridge, Deputy Alternate Public Defender, Juvenile Division**

**Gerald Blank, Attorney at Law**

**William Daley, Attorney at Law**

**Julianna Humphrey, Chief Deputy Public Defender**

**Ray Thielen, Deputy Alternate Public Defender**

**Michael McGlenn, Attorney at Law**

**Patricia Robinson, PCC, County Bar**

**Sylvia Tenorio, DDA, Juvenile**

**Deborah Duesler, Supervisor, Family Violence/Sex Offender Unit, Probation Department**

**Susan Storm, Probation Director, Probation Department**

**Dr. Alan Abrams, Forensic Psychiatrist**

**Dr. Kay DiFrancesca, Forensic Psychologist**

**Dr. Ansar Haroun, Forensic Psychiatrist**

**Dr. Miccio-Fonseca, Forensic Psychologist**

**Dr. James Reavis, Forensic Psychologist**

**Kevin Farrar, Forensic Advocacy - TMI**

# STANDARDS FOR FORENSIC PSYCHOLOGICAL EVALUATIONS OF ADULT SEXUAL OFFENDERS

## Overview

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- Purpose** The purpose of the psychological sexual offender evaluation is to:
- Educate the Court, counsel and probation regarding this offender
  - Document the treatment needs
  - Provide a written clinical evaluation of the psychological and sexual dynamics leading to sexual offending
  - Help determine the offender’s risk for re-offending
  - Help determine amenability for psychological and psycho-sexual treatment
  - Guide recommendations for the conditions of treatment and supervision of the offender
  - Help identify the optimal setting, intensity of intervention, and level of supervision necessary
  - Help identify offenders who should not be referred for community-based treatment
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**Credentials of evaluator** The evaluator shall be a psychiatrist or licensed psychologist who has a doctoral degree in psychology and at least 5 years postgraduate experience in the diagnosis and treatment of emotional and mental disorders or the evaluation shall be from a recognized treatment program pursuant to Penal Code section 1203.066 (e).

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## Protocols, Considerations and Substantiation of Findings

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### **Protocols re: the offender**

The evaluator shall adhere to the following protocols regarding the offender:

Obtain the informed consent of the offender for the evaluation

Inform the offender of:

- the assessment and evaluation methods
- how the information will be used
- to whom it will be given
- the nature of the evaluator's relationship with the offender and the court

The evaluator shall respect an offender's right to be fully informed about the evaluation procedures.

Results of the evaluation should be made available to the offender.

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### **Additional issues**

The evaluator shall assess any cultural, ethnic, developmental, sexual orientation, gender, medical and/or educational issues that may arise.

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### **Substantiation of findings**

The evaluator shall base assessments, recommendations, reports, opinions, and diagnostic and evaluative statements on information and techniques sufficient to substantiate the findings.

Evaluators shall use assessment instruments whose validity and reliability have been established for members of the population tested. When this is not possible, the limits of the findings shall be discussed.

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### **Testing information**

The evaluator shall include in the report a description of the following:

- the tests used
  - the purpose of each test
  - why each test was selected (See attached chart)
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## Recommended Approaches and Items to Be Included

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### Recommended approaches

Because of the uncertainty of risk prediction for sexual offenders, the following approaches to evaluation are recommended:

- Use of instruments that have specific relevance to evaluating sexual offenders (See attached chart)
  - Use of instruments with demonstrated reliability and validity (See attached chart)
  - Integration of collateral information
  - Use of multiple assessment instruments and techniques (See attached chart)
  - Use of a structured clinical interview which assesses all of the areas of functioning determined by the research to be relevant to sexual offenders, i.e. “empirically guided structured clinical interview”
  - Use of interviewers who have been trained to collect data in a non-pejorative manner
  - When an opinion is based in substantial part on the information from the subject, consideration should be given to the presence or absence of corroboration of those facts.
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### To be included

The psychological evaluation of the sexual offender shall include:

- Examination of the criminal justice information, including all the discovery, the tape of the interview with the victim, and documents that describe victim trauma when available
  - Examination of collateral information, including information from other sources on the offender’s sexual behavior, when available
  - Empirically guided, structured clinical interview and sexual history
  - Psychological testing (See attached chart)
  - Medical examination/referral for assessment of pharmacological needs if indicated
  - Evaluation of deviant arousal or interest
  - A measure of response set and deception. Physiological testing through the use of polygraph examinations may be recommended in the evaluation process.
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## Recommended Approaches and Items to Be Included, Continued

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### **Factors to consider**

The psychological evaluation of the sexual offender shall consider the following:

- Sexual developmental history, sexual arousal patterns and interest, deviance and paraphilias
  - Character pathology
  - Level of deception and/or denial
  - Mental and/or organic disorder
  - Drug and alcohol use
  - Stability of functioning
  - Medical/neurological/pharmacological needs
  - Level of violence and coercion
  - Motivation and amenability for treatment
  - Escalation of high-risk behaviors
  - Risk of re-offense
  - Treatment and supervision need
  - The impact of the offense on the victim if the data are available
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### **Cases covered by PC1203.066**

In cases covered by Penal Code section 1203.066(c), the evaluator shall consider whether:

- a grant of probation is in the best interest of the child (to the extent that the data are available)
  - rehabilitation of the defendant is feasible
  - the defendant is amenable to undergoing treatment and can be placed in a recognized treatment program designed to deal with child molestation.
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# ACCEPTABLE EVALUATION INSTRUMENTS AND PROCEDURES\*

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## Mental and Organic Disorders

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- Evaluation Areas**      Assessment of mental and organic disorders can address the following evaluation areas:
- Cognitive functioning
  - Neurological screening
  - Mental Illness
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**Cognitive Functioning**

ACCEPTABLE EVALUATION PROCEDURES	
Description	Examples
History of Functioning and/or Standardized Tests	<ul style="list-style-type: none"><li>• Wechsler Adult Intelligence Scale 3</li><li>• Wechsler Abbreviated Scale of Intelligence</li><li>• Kaufman Brief Intelligence Test</li><li>• Kaufman IQ Test for Adults</li><li>• Test of Non-Verbal Intelligence</li><li>• Woodcock-Johnson 3</li><li>• Other standardized, reliable, valid assessment instruments</li></ul>

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\* *The Abel Assessment, Plethysmograph, Polygraph, VRAG, SORAG, RRASOR, Static-99 and other tools designed to predict probability of re-offense, measure deception or detect the presence of deviant arousal patterns must be reported and interpreted with caution and tied closely with research developments on validity and reliability of these tools to prevent the misinterpretation and over-reliance on these results by the Courts, Attorneys, Probation Officers, Parole Agents and others who depend on the information in the Psychological Assessment.*

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## Mental and Organic Disorders, Continued

### Neurological screening

ACCEPTABLE EVALUATION PROCEDURES	
Description	Examples
History of Functioning and/or Standardized Tests	<ul style="list-style-type: none"> <li>• Wechsler Memory Scale</li> <li>• Neuro-Behavioral Cognitive Status Examination</li> <li>• Trail Making Test</li> <li>• Other standardized, reliable, valid assessment instruments</li> </ul>

### Mental illness

ACCEPTABLE EVALUATION PROCEDURES	
Description	Examples
Mental Status Examination and History of Functioning	<ul style="list-style-type: none"> <li>• Minnesota Multiphasic Personality 2</li> <li>• Millon Clinical Multiaxial Inventory 3</li> <li>• Personality Assessment Inventory</li> <li>• Personality Assessment Screener</li> <li>• Other standardized, reliable, valid assessment instruments</li> </ul>

## Drug/Alcohol Use

### Use/Abuse Relapse History

ACCEPTABLE EVALUATION PROCEDURES	
Description	Examples
History of Functioning, Structured Interview and/or Standardized Tests	<ul style="list-style-type: none"> <li>• Substance Abuse Subtle Screening Inventory</li> <li>• Adult Substance Users Survey</li> <li>• Drug and Alcohol Screening Test</li> <li>• Michigan Alcohol Screening Test</li> <li>• Collateral Information</li> <li>• Other standardized, reliable, valid assessment instruments</li> </ul>

# Personality Functioning and Character Pathology

**Functioning, disorders and impairment**

ACCEPTABLE EVALUATION PROCEDURES	
Description	Examples
History of functioning and/or empirically guided structured interview	<ul style="list-style-type: none"> <li>• Hare Psychopathy Checklist Revised</li> <li>• Millon Clinical Multiaxial Inventory 3</li> <li>• NEO Personality Inventory – R</li> <li>• Minnesota Multiphasic Personality Inventory 2</li> <li>• Personality Assessment Inventory</li> <li>• Personality Assessment Screener</li> <li>• Rorschach Psychodiagnostic</li> <li>• Other standardized, reliable, valid assessment instruments</li> </ul>

## Stability of Functioning

**Evaluation areas**

Assessment of stability of functioning can address the following evaluation areas:

- Early Family Stability
- Education History and Employment History
- Social Skills
- Social Support
- Developmental History
- Physical Functioning

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## Stability of Functioning, Continued

### Early family stability

Early family stability refers to a history of family violence, financial and housing stability and marital history and stability.	
<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	<ul style="list-style-type: none"> <li>• When indicated, measures of family adjustment</li> <li>• Collateral information</li> <li>• Other standardized, reliable, valid assessment instruments</li> </ul>

### Educational and employment history

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	Collateral information

### Social skills evaluation

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	<ul style="list-style-type: none"> <li>• Collateral information</li> <li>• Other standardized, reliable, valid instruments</li> </ul>

### Social support

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History And/or Structured Interview Information	Collateral information

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## Stability of Functioning, Continued

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### Description of developmental history

Developmental history refers to the following:

- Parent/Child Relationships
  - Behavioral Problems
  - Special Education Needs
  - School Achievement
  - Problems with Attachment
  - History of peer relationships
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### Evaluation of developmental history

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	Collateral information

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### Physical Functioning

Physical functioning refers to the following:

- Relevant Medical Conditions
- History of illness, injury, surgery
- Medication history
- Current Medication Use

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	<ul style="list-style-type: none"> <li>• Collateral Information</li> <li>• Medical Tests</li> </ul>

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# Sexual Evaluation

- Definition** Sexual evaluation refers to developmental sexual history and past and current sexual functioning, including:
- arousal patterns
  - sexual interests and preferences
  - deviance
  - dysfunctions

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	<ul style="list-style-type: none"> <li>• Personal Sentence Completion Inventory by Miccio-Fonseca, Ph.D</li> <li>• Clarke Sexual History Inventory</li> <li>• Abel Assessment</li> <li>• Plethysmograph</li> <li>• Collateral Information</li> <li>• Other History and Data Gathering Inventories</li> </ul>

**Offender's viewpoint** Evaluation of the offender's viewpoint can include attitudes/perceptions of sexual functioning, deviance and/or dysfunction.

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	<ul style="list-style-type: none"> <li>• Abel Assessment</li> <li>• Multiphasic Sexual Inventory</li> <li>• Autobiography</li> <li>• Collateral Information</li> <li>• Other standardized, reliable, valid assessment instruments</li> </ul>

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## Sexual Evaluation, Continued

### Offense information

Offense information refers to specifics of:

- the current offense
- past sexual offenses
- non-sexual offenses

Specifics might include onset, frequency, victims, threats, weapons, mental and emotional states, etc.

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History and Structured Interview	<ul style="list-style-type: none"> <li>• Collateral Information</li> <li>• Review of Criminal and Juvenile Records</li> <li>• Information from Victim</li> <li>• Polygraph, where indicated</li> </ul>

### Evaluation of denial and deception

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	<ul style="list-style-type: none"> <li>• Collateral Information</li> <li>• Polygraph</li> <li>• Other standardized, reliable, valid assessment instruments</li> </ul>

# Risk Factors

**Description of risk factors**

Risk factors include the following:

<ul style="list-style-type: none"> <li>• Level of violence</li> <li>• Overall pattern of assaultiveness</li> <li>• Pattern of escalation of violence</li> <li>• Access to victim pool</li> <li>• Life-Style Characteristics</li> <li>• Other Psychopathology</li> <li>• Substance Abuse</li> <li>• Other Criminal History</li> </ul>	<ul style="list-style-type: none"> <li>• Social Support Systems</li> <li>• Motivation for Treatment/Rehabilitation</li> <li>• Ability to Self-Structure</li> <li>• Prior Treatment</li> <li>• Neurological Risk Factors</li> <li>• Impulse control</li> <li>• Etc.</li> </ul>
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**Evaluation of risk factors**

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
History of Functioning and/or Structured Interview	<ul style="list-style-type: none"> <li>• Collateral Information</li> <li>• Review of Criminal Records</li> <li>• Analysis of Offense Information</li> <li>• Abel Assessment</li> <li>• Plethysmograph</li> <li>• Other standardized, valid, reliable assessment instruments</li> </ul>

# Recidivism Assessment and Final Report

**Evaluation**

<b>ACCEPTABLE EVALUATION PROCEDURES</b>	
<b>Description</b>	<b>Examples</b>
Risk factors as noted on the previous page	<ul style="list-style-type: none"> <li>• History</li> <li>• Collateral data</li> <li>• Psychological test results Standardized, valid, reliable actuarial instruments, normed on appropriate samples such as the VRAG, SORAG, RRASOR, Static-99, and others.</li> </ul>

**Final report**

Evaluation report shall integrate the findings and give useful information regarding:

- Risk factors
- Success factors related to the likelihood of successful outpatient treatment
- The recommended level of intensity of offense-specific treatment needs
- Level and intensity of treatment for co-existing conditions
- Level and intensity of behavioral monitoring required
- Other necessary external controls particular to the offender
- Neuropsychological, medical, pharmacological treatment, if indicated
- Methods to lessen victim impact, where indicated and where data are available