Analysis of the Child Pornography Offender Risk Tool and the predictive value for future hands on sex offenses by Child Pornography offenders

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Abstract

Predicting the likelihood of reoffending among sex offenders, both child pornography offenders and contact offenders is the best practice approach to the supervision and treatment of all sex offenders. STATIC actuaries are designed specifically for contact offenders only and use risk factors that have demonstrated a significant predictive value for reoffending. For years, child pornography only offenders were not part of the original sample, therefore, there has been no actuary until the creation of the Child Pornography Offender Risk Tool (CPORT). The issue is whether risk factors from STATIC or CPORT holds any predictive value among child pornography offenders and their risk to commit a new contact offense.

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Section I. Introduction

A. Statement of Problem

Currently, correctional agencies do not have an actuarial that provides any predictive measurement for future hands on sex offenses by offenders convicted of *Possession of Child Pornography* (CP). Research conducted in London compared offenders convicted of CP only against hands on sex offenders finding significant similarities; psychological difficulties in adulthood and that both types of offenders had fewer prior sex offense convictions (Webb, Craissati, & Keen, 2007). The Bunter Study (Bourke & Hernandez, 2009) used a subject group consisting of inmates incarcerated in Butner Federal Prison convicted of CP. Their conclusion suggests that CP offenders' deviant sexual arousal to CP may not be limited to fantasy only. They found many of the CP offenders engaged in sexual assaults of children and other deviant sexual behaviors with children and adults.

The Bunter Study and Webb et.al, led researchers to ask what characteristics of hands on sex offenders are present in CP offenders and if present, do these characteristics have a predictive value.

B. Purpose of the study

This study will examine the reoffending risk scales in the Static-99R as applied to predicting risk of future hands on sex offenses and if added to the Child Pornography Offender Risk Tool (CPORT), would there be an increase in predicting future hands on sex offenses in offenders convicted of CP only. The Static-99R is the main actuarial used for assessing the risk for sexual reoffending with hands-on sex offenders; however, Dr. Seto created CPORT, an actuarial measuring the risk level of internet offenders (Convicted of Possession of Child Pornography) to commit a new hand on sex offense.

Researchers in the U.K. used the Risk Matrix 2002R on Internet offenders demonstrating there is a predictive measurement for risk of future (new) hands-on sex offense with internet offenders. Data from numerous studies in which researchers identified several key characteristics such as; anti-social personality, anti-social behavior, and anti-social thinking as being significant mental health characteristics present in the histories of hands-on offenders will be reviewed to determine if these characteristics appear in internet offenders who go on to commit a hands-on offense.

C. Methods and Limitations

Conduct an analysis of existing studies completed within the past seven to ten years in which researchers have identified characteristics of Internet offenders, the potential risk to commit a hands-on sex offense in the future. Babchishin, Hanson and Hermann (2011) and Seto, Hanson and Babchishin (2011) are the two significant studies of the factors that can assess risk levels for future hands-on sex offenses in Internet offenders.

Seto et al. (2011) reviewed 21 studies with a total representation of 4,464 Internet offenders reporting on hands-on sex offending. Seto et al. found the following in their review: approximately 12% of the Internet offenders had a prior record for a hands-on sex offense; however, 55% admitted to committing a hands-on sex offense in the subset of six studies that included a self-report section.

Bourke & Hernandez (2009), reviewed the sexual offense histories of a sample of inmates incarcerated in the Butner Federal Correctional Institution for child pornography offenses. Bourke and Hernandez (2009), found approximately 24% of their sample, 155 inmates, had an official criminal record of a hands-on sex offense; however, a larger percentage,

85%, had a hands-on sex offense after their participation in sex offender treatment, and in approximately half of the cases, the participants completed a polygraph examination.

A meta-analysis meets the needs for this study in that there are no additional costs, the data has been collected and measured, and the researchers confirmed self-report data through polygraphs, which this author would not be able to conduct.

Completing surveys would not assist in meeting the operational needs of this study. The primary concern is how to convey that this information is for research only and not accessible to law enforcement if a participant reports a previously undetected hands-on sex offense. HIPAA requirements present a barrier when asking inmates to complete a survey that could be perceived as related to institutional treatment programming.

Personal interviewing holds some of the same negatives as surveys; however, the most crucial factors are training people to be able to complete the interviews and overcoming an inmate's manipulation of the interviewer.

Telephone interviews are not feasible as calling into a correctional institution is time consuming and as with the two previously mentioned methods, needs an institutional official to be present to ensure compliance with the interview.

One of the main advantages to the meta-analysis method for this study is the data collection has been completed by researchers with a vast knowledge base of both Internet and hands-on sex offenders. A meta-analysis increases the sample size compared to conducting a survey, interview, etc. by one person. This process allows the researcher to answer questions not posed in a single study. It also allows an evaluation of the differences between study conclusions determining whether there is a significant statistical value between the differences (Bonta, Law, & Hanson, 1998).

D. Significance to the Criminal Justice & Corrections Field

First, this research will identify the risk factors in the Static-99R and discuss the predictive value of those identifiers as applied to hands on sex offenders. Secondly, this research will examine Dr. Seto's CPORT, reviewing the creation and research supporting the risk factors for predicting future hands on sex offenses in offenders convicted of *Possession of Child Pornography*. Thirdly, this research will analyze the potential of increasing the predictive value of CPORT by adding certain risk factors from Static-99R and the Risk Matrix 2002R.

Section II. Literature Review

A. Static-99R

The use of actuarial scales in assessing the risk of sexually reoffending in adult male hands on sex offenders is relatively new, beginning in the late 1980s. Studies of the Rapid Risk Assessment of Sex Offender Recidivism (RRASOR), developed by Dr. Hanson in 1997, and the Structured Anchored Clinical Judgement – Minimum (SACJ-Min), developed by Dr. Thornton in 1998 demonstrated a significant predictive value independently; however, when Hanson and Thornton conducted research examining the predictive value of combining the two actuarial scales, they found an increase in the predictive value (Hanson & Thornton, 2000).

Static-99R, an empirically developed risk assessment was created to predict sexual and violent recidivism with adult male sex offenders. Sex offenses are to be an officially documented sexual behavior or a crime with a sexual intent. The offender's behaviors must have received some form of an intervention; an arrest, charge, conviction, or other intervention from an official government authority such as a police officer telling a subject not to engage in a sexual behavior.

If an incarcerated adult male engages in sexual behaviors with another inmate, the Static-99R cannot be used; however, if the sexual behaviors could result in a criminal charge outside of the prison, then the behavior(s) qualify them for scoring using the Static-99R.

In correlation to the above, if an offender is on community supervision such as probation or parole and engage in sexual behaviors for which they are not charged, but have their supervision revoked, the behavior(s) become a new sex offense qualifying them for Static-99R scoring.

Static-99R divides sex crimes into two categories: Category A and Category B offenses [The reference for these crimes are based on Canadian law and do not necessarily match criminal offenses in the United States.] The scorer is expected to use Static-99R's offenses as a guideline as a comparison of sexual offending statutes and laws in their state or country.

Category A offenses must have an identifiable victim, and demonstrate that the offender intended to target the victim, even if the offender does not know the victim's identity. All Category A offenses are contact or hands-on offenses and include animals and corpses. Some Category A offenses, which on the surface are not necessarily contact offenses, include burglary of a residence in which the offender steals the owner's underwear and soliciting via the Internet behaviors from which future contact could be inferred.

Hanson and Thornton note that exhibitionism and voyeurism are category A offenses even though they are non-contact offenses. Category A offenses are in the Static-99R Coding Rules, revised 2016 (Phenix et al., 2016, p. 23).

Category B offenses have two criteria: the offense is illegal but both parties are consenting, or there is no specific victim involved and involved indecency without a sexual motive. Category B offenses may include sex in a public place, possession of child pornography,

and prostitution. Excluded offenses are paying for sexual services with an underage person or a person who does not possess the mental capacity to provide consent. These behaviors would be Category A offenses (Phenix et al., 2016).

Sexting is now included in Category B offenses if it occurs between peer age people, if the sender is an adult, then the behavior fits into Category A as the sexting suggests contact between the two parties. Once an offender has a Category A offense, all Category B offenses count in scoring Static-99R. Category B offenses are in the Static-99R Coding Rules, revised 2016 (Phenix et al., 2016, p. 24).

In scoring Static-99R the term Index Sex Offense refers to the most recent sex offense which could be an arrest, charge, conviction, or a rule violation while on some form of supervision.

R. Karl Hanson, Ph. D. and David Thornton, Ph.D. found that static risk factors provide the most predictive values for sexual reoffending. These static risk factors include items such as age, victim type, offense history, etc., which will be discussed in the Static-99R Ten Risk Factors following this section.

Static-99R has limitations to whom the actuarial can be applied. The actuarial is designed for adult males convicted of at least one hands-on sex offense against a child or non-consenting adult. The actuarial is applicable to offenders who possess some form of mental illness or are not guilty by mental disease or defect. This is possible as the information for the actuarial risk factors is obtained from a review of official legal documents versus a clinical interview of the offender.

Static-99R is not to be used on female offenders for several reasons. First, females were not part of the initial or subsequent samples, and secondarily, females engage in sex offending

for reasons which are not supported by the risk factors in Static-99R. Additionally, offenders convicted of soliciting a prostitute cannot be scored with Static-99R (Phenix et al., 2016).

In subsequent reviews of the actuarial, R. Karl Hanson, Ph. D. and David Thornton, Ph.D. found that the actuarial cannot be used with offenders who have completed a transgendered process. However, male to female transgendered offenders are considered male until they complete the process, at which time they are considered female.

In addition to completing the transgendered process and be no longer considered a male, the subject must not possess their penis and must have lived for the past two years as a woman. Females transitioning to male are not eligible to be scored on Static-99R as both females and male to female subjects were not part of any sample resulting in the Static-99R scale (Phenix et al., 2016).

The Static-99R sample did contain offenders with significant mental health disorders such as schizophrenia and mood disorders. Hanson and Thornton found the offenders' mental health illnesses increase their overall risk as compared to sex offenders without a mental illness; however, their mental health illnesses did not affect the predictive value of the risk factors in Static-99R (Phenix et al., 2016). The most significant exclusion from Static-99R are offenders convicted of possession of child pornography, hence the focus of this paper.

I. ***Static-99R Ten Risk Factors –***

1. Age at release from the index sex offense: The age can be calculated from two points in the offenders' involvement in the Criminal Justice System. For inmates releasing from prison, the standard rule is to use their age at the time of release. However, one would use the offender's age at commitment of the crime if the offender is placed on probation.

In general, as a person ages, their involvement in criminal behaviors tend to decrease. Age tends to decrease criminal involvement for simple reasons, such as physical changes affecting mobility; however, even active offenders demonstrated a decrease in criminal behavior as they aged. Peak ages of offender occur across all criminal behaviors specific to certain criminal acts. In all criminal acts, there appears to be a decrease beginning with an offender's middle ages (Sampson & Laub, 2003). Initially, the age factor as applied in Static-99R overestimated the risk of sexually reoffending for older offenders (Barbaree, Langton, Blanchard, & Cantor, 2009). Older offenders have less risk of sexually reoffending than younger offenders due to their age (Helmus, Thornton, Hanson, & Babchishin, 2012).

Table 1. Age Scores

Age categories	*Score*
Aged 18 to 34.9	1
Aged 35 to 39.9	0
Aged 40 to 59.9	-1
Aged 60 or older	-3

Note. Phenix, et. al., page 46

Table 2. Estimated 5-Year Recidivism Rates (Survival Analysis) by Age Using Static-99

	18 - 30		30 – 39.9		40 – 49.9		50 – 59.9	
		Recid (%)		Recid (%)		Recid (%)		Recid (%)
Static-99 Risk Category	Initial *n*		Initial *n*		Initial *n*		Initial *n*	
Sexual recidivism								
Low	185	5.8	733	5.5	759	3.6	417	3.3

Moderate-low	672	8.5	855	7.5	666	5.6	315	5.9
Moderate-high	674	15.1	568	18.4	382	9.8	140	12.9
High	328	28.6	390	28.8	297	23.6	127	20.1
Total	1,859	14.2	2,546	12.5	2,104	8.0	999	7.4

2. Ever Lived with an Intimate Partner – 2 Years: Demonstrating the ability to maintain a prolonged intimate relationship with another is a protective factor reducing the risk to sexually reoffend. Offenders who are not able to maintain healthy long-term relationships often demonstrate several intimacy deficits such as possessing poor social skills, negative social influences, immature development of healthy relationship skills, emotional identification with children, and loneliness.

This risk factor is not focused on sexual behaviors and considers the relationship itself. The relationship must have occurred prior to the index sex offense.

Hanson and Bussière, (1998) meta-analysis of 95 studies comprised of 1,974 samples, found the predictive value of intimacy deficits had the following values [See Table 3] (Hanson & Bussière, 1998).

Table 3.

The predictive accuracy of the main categories of risk factors

	Type of Recidivism			
Category	Sexual	Violent Non-Sexual	Violent	Any
Intimacy Deficits	.15 ±.11	.12 ±.21	.12 ±.12	.10 ±.10

Note. Hanson and Bussière, (1998) page 13.

Hanson and Morton-Bourgon, (2005) completed an updated analysis of Hanson and Bussière's 1998 study due to data obtained from ongoing research on sex offender risk actuaries. They considered the following: a) findings important to the management of sex offenders; and b) findings which were weak or controversial. This updated review also reexamined the types of recidivism as noted in Table 3. Intimacy deficits predicted that values did not change in the updated analysis (Hanson & Morton-Bourgon, 2005).

3. **Index Non-Sexual Violence (NSV) – Any Convictions:** This risk factor predicts recidivism of engaging in future violent behaviors. Hanson and Bussière (1998), found that the presence of non-sexual violence is predictive of the seriousness of harm when a re-offense of violence occurs. They further found that having this risk factor is a strong indicator as to whether overt violence will occur (Hanson & Bussière, 1998).

The risk factor of non-sexual violence is common to offenders within the general criminal samples. Offenders with this risk factor are found to be younger, unmarried, and are identified as a minority.

Hanson and Bussière (1998) found in their meta-analysis that a rapist is more likely than not to engage in non-sexual violence as compared to an offender convicted of sexual assault of a child. The hypothesis for this is that since they are younger and unmarried, they have few reasons not engage in criminal behaviors and their youth allows them to participate in a variety of criminal behaviors. These offenders are criminally more diverse than older offenders (Hanson & Bussière, 1998).

In 2004, Hanson and Morton-Bourgon (2004) updated the Hanson and Bussière meta-analysis in which non-sexual violence predictive values were reviewed. Hanson and Morton-Bourgon found that the lowest accuracy in predicting non-sexual violence occurs with clinical

assessment (d. = .24), followed by empirically rooted actuaries (d. = .34) and actuaries designed for sexual recidivism (d. = .44) (Static-99R), with the highest accuracy found in actuaries designed for general criminal recidivism (d. = .77). They found the confidence interval for the criminal recidivism factors as .58 to .96 opining that general criminal risk actuaries are more accurate at predicting non-sexual violence than other scales (Hanson & Morton-Bourgon, 2004).

Static-99R identifies numerous non-sexual violent criminal behaviors in the coding manual such as kidnapping, forcible confinement, and home invasion; however, if any of the non-sexual violent criminal behaviors include any sexual component, the behavior would be counted as a sex offense rather than a non-sexual violent behavior (Phenix et al., 2016, p. 53).

These criminal behaviors are to be separate incidents occurring at the same time of the index sex offense to be counted. As previously noted, of the violent behavior used to gain compliance to commit a sexual assault, the risk factor is captured in counting it as a sex offense.

4. Prior Non-Sexual Violence – Any Convictions: As with risk scale number three, the presence of these convictions is predictive of the seriousness of harm when a re-offense of violence occurs. Andrews and Bonta (2010), found a presence of a criminal history is one of the four predictors of future criminal involvement. Those four are: history of antisocial behavior; antisocial personality pattern; antisocial cognition; and antisocial associates (Andrews & Bonta, 2010). This risk factor requires a conviction for a non-sexual violent crime, prior to the detection of the index offense. The non-sexual violence behaviors include murder, stalking, and false imprisonment with a full list in the Static-99R coding manual (Phenix et al., 2016, p. 59). As with the previous risk factor, the behavior(s) cannot be counted if they were used to gain compliance in a sex offense that predates the index offense.

Similar data was found in Hanson and Bussière's (1998) and Hanson and Morton-Bourgon (2004), meta-analysis noted in risk factor number 3.

5. Prior Sex Offenses: As with any known or convicted criminal behavior, the past is a good predictor of the future for that individual. This theory is found in literature dating back to the early 1900s. In 1911, Thorndike discussed the past is a predictor of future behavior in his research regarding the behaviors of animals. He found that like animals, in the present, humans engage in familiar behaviors of their past. He also considered whether animals engage in predetermined behaviors because of heredity or through learned behaviors that worked or did not work to meet their intended need (Thorndike, 1911).

Hanson and Bussière (1998) and Hanson and Morton-Bourgon (2004) found in their meta-analysis that this hypothesis is supported by actuaries that focus on sexual recidivism.

In scoring this item, the index sex offense does not count. This risk factor is the most complicated item to score on Static-99R as there several rules to scoring which, if not followed, will not provide an accurate predictive value, and is not scored as either a 1 or 0. Unlike other risk factors, this item counts convictions, but also charges, even if not processed through the Judicial System. Convictions are counted both as a conviction and a charge, whereas charges not proceeded with count only as a charge.

If a person is on some form of supervision, violations of a sexual nature are counted as charges unless a finding of guilt occurs in some outside legal forum. In Wisconsin, the Department of Corrections conducts revocation hearings before an Administrative Law Judge, who determines whether the Department met its burden of proof, a preponderance of evidence that the offender committed the alleged allegation. If this burden is met, and the offender's

supervision is revoked, then the revocation would make the violation similar as a conviction for Static-99R scoring.

Other considerations include crime sprees which are identified as continuous involvement in sex offending without any formal intervention or sanction. If an offender receives an intervention which could be as simple as a law enforcement officer telling them their behavior is against the law or they receive a formal sex offense conviction, and then continue to sexually offend, the new sex offense becomes the index and the prior offenses would be counted as recidivism. If there is no intervention, and the person continues to sexually offend in a close period, then the sex offenses will count as one sex offense.

6. Prior Sentencing Dates: This risk item is straight forward, and is supported in the research of Andrews and Bonta (2010), Hanson and Bussière (1998), and Hanson and Morton-Bourgon (2004). To score this item the evaluator needs access to the offender's official criminal record and simply counts the number of sentencing dates prior to the index sex offense. The score is zero if the offender has three or fewer sentencing dates or a one if there are four or more sentencing dates. This risk items goes back to the theory that a person's past behaviors are good predictors of future behaviors.

There is an exception when reviewing prior sentencing dates. If the offender is currently incarcerated and a new crime is detected for which he is convicted, this offense becomes pseudo-recidivism and is not counted. However, for a criminal behavior to be counted as a separate sentencing date, the offender needs to have committed the crime after his conviction for the first offense.

7. Any Convictions for Non-Contact Sex Offenses: This item is included as an indicator of illegal paraphilic behaviors. These behaviors may include exhibitionism, voyeurism,

and some forms of fetishism like stealing underwear from a residence, laundromat, or gym (Phenix et al., 2016, p. 70). Convictions for non-contact sex offenses have demonstrated a consistent correlation to an increase in sexual recidivism (Thornton & Helmus, 2015).

Two behavioral considerations apply to this risk factor. Either the victim needs to be coerced into viewing or listening to sexually explicit materials or no attempt is made by the offender to make the victim aware of his behaviors, such as window peeping. This could include sending sexually explicit images in a text message to an adult or minor.

Attempted hands on sex offenses is an exception in this risk factor. If an offender attempts a hands-on sex offense but is not successful, the behavior is counted as a contact offense because of the offender's intention.

Internet crimes were not in the original Static-99 sample; however, through subsequent meta-analysis, the creators of Static-99 have divided Internet crimes into two groups based on elements of contact and non-contact offenses. The basic guidelines are that if an offender engages in any non-contact sexual behavior with another person it remains a non-contact offense; however, should the offender attempt to lure this person to meet them with the intention of engaging in sexual behaviors, then it is counted as a contact sex offense.

This typically occurs when adult males engage in sexual chat with a minor via the Internet and make plans to meet them for sexual purposes. If the potential victim does not show up for the arranged meeting or the intended victim is law enforcement, the behavior counts as a hands-on sex offense.

The crime of paying to view a child being sexually assaulted live, paying for the creation of child pornography, or directing a child to engage in sexual behaviors are considered contact

sex offenses even though the offender did not directly have a hands-on role or was not physically present when the behavior occurred.

The final three items all relate to victim(s) and consider convictions, charges, self-reporting and other credible information available to the evaluator. The evaluator does not need to know the personal identity of the victim(s). If an offender has a conviction for possession of child pornography along with a Category A offense, the children in the pornography are not scored as victims in Static-99R. Simple possession of child pornography is not a Category A offense unlike the creation of child pornography or direction of child pornography as those are hands-on offenses.

Additional considerations when scoring these items are that deceased people and animals are not considered victims; however, if an offender breaks into a person's residence while they are not present and engages in some form of sexual behavior, the person is considered a victim. Only the person who is the target of the behavior is counted, not all the occupants of the residence.

8. Any Unrelated Victims: Research has demonstrated that offenders who have sexually offended against another immediate family member have a lower rate of recidivism when compared to offenders who sexually offend against a person outside of their family. Harris and Hanson (2004) found incest offenders have the lowest rate, 13%, of sexual recidivism at the 15-year mark (Harris & Hanson, 2004). Offenders with victims outside of their immediate family are found to have an increased risk to sexually reoffend.

To be considered related, the offender and the victim need to have a biological relationship that is prohibited by marriage such as siblings, parent-child, uncle to niece/nephew, and relationships involving grandparents (Phenix et al., 2016, p. 80). Common-law spouses are

considered related if they have engaged in their relationship for at least two years prior to the index sex offense. This two-year mark applies to stepchildren and stepsiblings, and if this criterion is not met, then the two people are considered not related.

A consideration noted in the Static-99R 2016 coding manual discusses the biological relationship between the offender and victim if the relationship was not known prior to the index offense. For example, an offender sexually assaults another person and through DNA it is learned this person is a sibling or so closely related that they would be considered family, they would be counted as unrelated. The basic rule is if the offender knows that their victim is related to them twenty-four hours prior to sexually assaulting them, the victim is considered related for Static-99R scoring.

The theory is that offenders who engage in sexual behaviors against a family member fall under more scrutiny when detected, reducing their risk to reoffend. The more people who are aware of the offender's behaviors, the more likely other family members will hold the offender accountable. In addition, inter-familial sex offenders experience more shame as compared to an offender who sexually assaults a stranger. The connection of family is a protective factor that is not present in sexual assaults against strangers.

9. Any Stranger Victim: Research has demonstrated a correlation between an offender having a stranger victim and their increased risk to sexually reoffend (Hanson & Bussière, 1998). The basic rule with this risk factor is the offender needs to know his victim at least twenty-four hours prior to the sexual assault. This also applies to whether the victim knew the offender twenty-four hours or more prior to the sexual assault; if not, they are a stranger.

The reason this factor increases an offender's risk to sexually reoffend is the opposite of the protective factor in offenders who sexually offend against family. When an offender

sexually assaults a stranger, they are less likely to be identified; therefore, they face a lower risk of detection. This lack of potential identification fuels some offenders to continue in their sexual offending, resulting in the discovery of numerous victims at the time the offender is detected.

Stalking cases and stalking behaviors differ in the consideration of a stranger victim and are counted based on the perception of the victim. Offenders who engage in stalking behaviors often know a great deal about their victims, but are usually proficient enough to go undetected for a period. When the offender attacks the subject of his stalking, the victim is considered a stranger if they had no idea of the stalking or prior recognition of the offender.

The final consideration is that a person known to the offender or vice versa may become strangers if, over a lengthy period they do not recall each other and the offender believes he is sexually assaulting a stranger. Additionally, if an offender disguises their identity sufficiently enough that the victim does not recognize them, the victim would be counted as a stranger.

10. Any Male Victims: Research has demonstrated a higher recidivism rate in offenders who sexually offended against another male as sexual deviance is a strong predictor of sexual recidivism (Hanson & Bussière, 1998) and (Helmus & Thornton, 2015).

Sex offenses committed against males, including non-consenting adult males and boys are counted for this item. Again, possession of child pornography only, is not counted on Static-99R; however, if the offender creates or directs child pornography, it becomes a contact sex offense, and then male victims are counted. If an offender engages in exhibitionist behaviors to a mixed gendered group, only the females are counted as victims, unless there is credible evidence the offender intended to expose himself to the males in group. Contact with a male via the Internet does not count as a male victim.

There are two caveats to consider when scoring this item. Frist, is the outside gender of the victim which occurs with people who are transgendered, transvestite, or are in the process of transgendering. The second caveat involves the presence of a male during the sexual assault of a female.

When the victim is transgendered, engaging in transvestite behaviors, or is in the transgendering process, the gender of the victim is based on the offender's perception. If the offender sexually assaults a person whose outside appearance is female, then the victim is considered a female even if they possess male genitalia, and vice versa. If an offender sexually assaults a person whose outside appearance does not match their biological gender and is aware of the difference, then the gender of the victim matters. If the offender knows the victim is a male who is transgendering and maintains male genitalia or is engaging in transvestite behaviors but dresses as a female, and he sexually assaults the person, the victim is counted as a male.

A male being present during the sexual assault of a female is not considered a male victim unless there is evidence that the male was restrained or assaulted by the offender and it was sexually motivated. Simply restraining a male and forcing him to watch the sexual assault of a female does make the male a victim for scoring purposes. If an offender makes an admission that he becomes sexually aroused through this behavior, then it becomes sexually motivated, and the male counts as a male victim.

Table 4

Static-99R Talley Sheet

Item #	Risk Factor	Codes	Score
1	Age at release from index sex offense	Aged 18 to 34.9	1
		Aged 35 to 39.9	0
		Aged 40 to 59.9	-1
		Aged 60 or older	-3

2	Ever lived with a lover	Ever lived with a lover for at least two years?	
		Yes	0
		No	1
3	Index non-sexual violence – Any convictions	No	0
		Yes	1
4	Prior non-sexual violence – Any convictions	No	0
		Yes	1
5	Prior sex offenses	Charges / Convictions	
		0 / 0	0
		1-2 / 2	1
		3-5 / 2-3	2
		6+ / 4+	3
6	Four or more prior sentencing dates – excluding index	3 or less	0
		4 or more	1
7	Any convictions for non-contact sex offenses	No	0
		Yes	1
8	Any unrelated victims	No	0
		Yes	1
9	Any stranger victims	No	0
		Yes	1
10	Any male victims	No	0
		Yes	1
	Total Score		

Nominal Risk Levels – 2016 Version	**Total Score**	**Risk Level**
	-3, -2	**I – Very Low Risk**
	-1, 0	**II – Below Average Risk**
	1, 2, 3	**III – Average Risk**
	4, 5	**IVa – Above Average Risk**
	6 and higher	**IVb – Well Above Average Risk**

Note. Phenix, et. al., page 94.

II. *Predictive Value of Statis-99R Risk Factors*

In 2016, Hanson, et. al., conducted a meta-analysis examining the recidivism rates associated with Static-99R and Static-2002R scores. Previous research on these two actuaries indicated some variability in the recidivism rates in Static-99R and Static-2002R. Hanson, et. al., examined the extent of how the variability affected recidivism rates across twenty-one Static-99R studies (N = 8,805) and how they corresponded to the normative groups as proposed by the

STATIC development group (Hanson, Thornton, Helmus, & Babchishin, 2016). The authors created three groups for this study: routine/complete, treatment, and high-risk/high need.

The routine/complete sample group consisted of offenders who were randomly selected from a correctional setting. Some of the offenders in these samples had previously been reviewed for psychiatric admissions or were determined to be dangerous, accounting for an overall sample from a correctional setting (Hanson et al., 2016).

The preselected for treatment needs group consisted of offenders who have been determined based on their treatment needs. The type of treatment program is not a consideration for this group; excluded offenders referred to an institutional sex offender treatment program as no preselection occurred (Hanson et al., 2016).

The high-risk/high-need sample included offenders with a perceived high-level of risks and needs. The offenders had been subject to some form of infrequent measure, intervention, or sanction normally applied to high-risk offenders. The authors noted some of these to be the incarceration of an offender until the expiration of their sentence with no supervision to follow and indefinite sentences (Hanson et al., 2016).

They found that the routine group samples demonstrated a lower recidivism rate as compared to the other two groups; however, this observance only occurred with offenders with a low or moderate score whereas offenders with high STATIC scores, the difference at the five-year mark was not significant. The authors also found little support to have a separate normative table for a treatment sample, and recommended against it.

The original Static-99 study by Hanson and Thronton, 2000, remains the most common actuarial for assessing sex offenders in the United States (Interstate Commission for Adult Offender Supervision, 2007). Static-99R focuses on static variables (risk factors) that do not

change over time (age is the only exception), and that these risk factors are indicators of future sexual reoffending (Jackson & Hess, 2007).

The authors noted their purpose for this study is to identify patterns in recidivism rates across samples which could inform decisions regarding expected recidivism rates that are associated with STATIC scores. In addition to the three sample groups (categorical) noted previously, the authors further defined the samples by average Static-99R scores, the quantitative indicator (Hanson et al., 2016).

They formed several hypotheses. The high-risk/high-need samples would have high Static-99R scores with higher recidivism rates while controlling for their high scores. Secondarily, sexual recidivism base rates vary due to the degree to which samples have been preselected on risk characteristics, with offenders in the high-risk/high-need group having the highest rates of sexual recidivism, a moderate rate for the treatment needs group, and the lowest rate for the routine samples (Hanson et al., 2016).

The following table demonstrates their findings of significant variability in the base rates associated with the median Static-99R score.

Table 5

Meta-Analysis of Logistic Regression Coefficients for Static-99R and Static-2002R Predicting Sexual Recidivism After 5 Years of Follow-up.

	Fixed Effect		Random Effects					
	M	95% CI	*M*	95% CI	*Q*	I^2	*n/N*	*k*
Static-99R								
Base rate ($B0_2$ as %)	6.7	[6.0, 7.5]	6.5	[5.3, 8.0]	62.19***	67.8	685/6,967	21
Relative risk (e^{B1})	1.39	[1.34, 1.44]	1.39	[1.33, 1.46]	28.80	30.5	685/6,967	21
Static-2002R								
Base rate ($B0_2$ as %)	8.0	[6.8, 9.4]	6.6	[4.4, 10.0]	29.92***	79.9	332/2,651	7
Relative risk (e^{B1})	1.40	[1.32, 1.48]	1.42	[1.29, 1.57]	16.35*	63.3	332/2,651	7

Note. n/N is the number of recidivists and the total number of offenders. The base rate is the expected recidivism rate for offenders with median scores on Static-99R (2) or Static-2002R (3). CI = confidence interval. *p < .05. ***p < .001 (Hanson et al., 2016, p. 12).

The authors found that base rate variations occur across samples; however, it was not random and that some of the variations are explained by systematic differences correlated to sample characteristics. In samples selected as high-risk/high-needs, these groups had the highest recidivism rates. Average STATIC scores for each sample demonstrated that there is an incremental increase in the prediction of sexual recidivism when they controlled for an individual's STATIC score (Hanson et al., 2016).

The data demonstrates a 40% increase in relative risk (risk ratio of 1.40, or 0.336 in logit units) for each increase in Static-99R scores (Hanson, Babchishin, Helmus, & Thornton, 2013). This is further explained in the following example: a sex offender with a Static-99R score of 2 from the high-risk/high-need group would have a similar recidivism rate as a sex offender whose Static-99R score is 4.

When reviewing the routine/complete samples, data demonstrated no substantial differences between the groups average risk scores. Furthermore, they found that offenders in

treatment samples reoffended quicker versus offenders from routine/complete samples; however, the absolute difference was small, 9.2% versus 7.6% after 5 years (Hanson et al., 2016). This data supports their opinion that treatment samples are a distinct group and potentially justify their own category. [See Table 6]

Table 6

Static-99R Recidivism Estimates Routine Sample Estimated 5-year sexual recidivism rates

Logistic Regression Estimates			
Score	**Predicted Recidivism Rate**	**95% CI**	
-3	0.9	0.6	1.3
-2	1.3	1.0	1.8
-1	1.9	1.4	2.5
0	2.8	2.2	3.5
1	3.9	3.3	4.7
2	5.6	4.8	6.5
3	7.9	7.0	8.8
4	11.0	10.0	12.1
5	15.2	13.8	16.6
6	20.5	18.4	22.8
7	27.2	24.0	30.7
8	35.1	30.5	40.0
9	43.8	37.8	50.1
10	53.0	45.6	60.3

11	--	--	--

Note. Hanson, Thornton, Helmus, & Babchishin (2016) page 8.

B. CPORT – Child Pornography Offender Characteristics and Risk to Reoffend

In the United States, the number of arrests for *Possession of Child Pornography* tripled between 2001 and 2009 generating a concern on how to address the offenders, and how to identify the implications on government systems working with these offenders. Current empirical actuaries did not include the offense of *Possession of Child Pornography* as it is not considered a contact sex offense. Child pornography (CP) offenders are classified as online offenders; however, for this paper, offenders convicted of *Possession of Child Pornography* will be referred to as CP offenders while contact offenders are referred to as contact offenders.

Within the past few years, researchers have begun to examine the characteristics of CP offenders and to identify whether there is any predictive value using those characteristics regarding a CP offender committing a contact sex offense in the future and their risk reoffend.

When considering actuaries used with contact offenders or CP offenders, researchers posed two questions; 1) are CP sex offenders different from contact offenders? and 2) are CP offenders different from contact-only offenders? Babchishin et. al., (2010) attempted to form several sample groups: CP only, mixed, and contact-only, but indicated the data presented to them did not allow for this comparison. Subsequently, they reviewed offenders with any CP offenses with contact offenses.

In September 2016, Dr. Seto presented to the International Association for the Treatment of Sexual Offenders (IATSO) in Copenhagen. Dr. Seto discussed the need for a risk assessment focused on CP offenders only, and what risk factors increase their likelihood to reoffend (CP) or engage in a contact offense. He posited that an increase risk factor numbers in CP offenders, likely indicates that these offenders often have the criteria of pedophilia or hebephilia, and that the sexual interest in children is a significant risk factor in contact recidivism (Seto, 2016).

Dr. Seto found seven risk factors considered to be relevant when assessing risk for CP reoffending and potentially predicting future contact offenses for CP only offenders. Due to the extensive research and replication of Static-99R, Dr. Seto used several Static-99R risk factors due to their strong predictive value.

Seto and Eke, (2015), identified the risk factors in CPORT after an analysis of police case files of 266 adult male CP offenders in Ontario, Canada. The sample consisted of offenders currently in the community. All of samples were post index offense conviction. In the five-year follow up, they found 29% of the sample committed a new offense, and 11% committed a new sexual offense; however, more significantly, they found 3% of the sample committed a new contact sex offense, while 9% committed a new CP offense (Seto & Eke, 2015).

The data was collected from twenty-seven different samples gathered from various journals, published work, and unpublished material post 2000 due to the need for identifiable data of CP sex offenses with most the samples coming from the United States (Babchishin et al., 2011, pages 96 - 98). CP offender samples ranged from 26 to 870 participants with median of 100.

Most of the sample, 91%, had some images depicting girls, while 79% of the sample possessed mainly (≥75%) images of girls, of that, 47% of the sample possessed only images of

girls. Offenders (53%) possessing images of boys, 9% possessed mainly images of boys (Seto & Eke, 2015).

Seto and Eke (2015) found in their sample that 86% of the offenders possessed images of child nudity, while in 31% of the sample, the offenders had more child nudity than CP images. They also found that 78% of the sample possessed other images of children while 22% possessed child images meeting Canada's legal definition of obscenity, such as violence and bondage (Seto & Eke, 2015).

Upon completing their meta-analysis, the authors opined that this area of research is too new to say that CP offenders are distinct from contact offenders.

As with Static-99R, CPORT is used with male offenders convicted of one more CP offenses. It is not recommended to use CPORT if there is more than one item missing. Using the CASIC in substitution of item 5 is not considered a missing item. (See Item 5)

In creating the scoring for CPORT at the five-year follow up mark, Seto and Eke (2015), examined the risk measures from Static-99R and the Sex Offender Risk Appraisal Guide (Quinsey, Harris, Rice, & Cormier, 1998, Chapter 7) along with data obtained from previous research on child pornography. Scores range from 0 – 7 with higher risk offenders at the top end of the scale. (See Table 5)

1. CPORT Risk Factors

1. Offender age 35 or younger at index investigation (49% of the development sample were higher risk): The age determination occurs at the time of the investigation into the CP index offense leading to conviction. Dr. Seto noted age at arrest, charge, and conviction have a significant correlation with age at investigation, (r = .99) (Seto, 2016, p. 17). Static-99R has found that the younger a contact offender is, the higher their risk to sexually reoffend. With

CPORT, the same is true for CP offenders and age. If both Static-99R and CPORT demonstrate age as a significant risk factor for reoffending, the hypothesis is that there is a correlation between CP offenders age, and a predictive value to engage in a contact offense.

CPORT accounts for age unknown as the research demonstrated a close relationship between age at onset of the investigation and age at time of index conviction. Seto and Eke (2015) found that most CP charges were issued within a month of the beginning of the investigation with most of the offenders being arrested at the time law enforcement executed a search warrant (Eke & Seto, 2016)

Regarding the index conviction, they found this typically occurred with 15 months of arrest. With CP offenders, they found that in 57% of the sample, their CP arrest was their first criminal arrest (Eke & Seto, 2016).

Age at the time of release was not a variable factor in the sample size. Seto and Eke (2015), found that 60% of their sample did not receive any custody time related to their arrest or conviction, while 9% received some form in an intermittent incarceration time. In Canada, weekend incarceration is a sentencing structure used in CP convictions. The age at time of the index investigation close to their age at release (Eke & Seto, 2016).

Age is an established risk factor for recidivism across various offenders including sex offenders (Hanson & Morton-Bourgon, 2005) and specifically with CP offenders (Eke, Seto, & Williams, 2011).

2. Any prior offenses (41% of the development sample were higher risk): Like Static-99R prior offense risk factor, CPORT counts any prior criminal charges whether sexual in nature or not and regardless of the Judicial System outcome, such as an acquittal, not guilty, etc.

This risk factor does not count self-reported criminal behaviors and any behaviors included in the index conviction.

As with item number 1, an offender's prior record has solid basis in research as a predictive value for recidivism across most offenders including sex offenders (Hanson & Thornton, 2000) (Hanson & Morton-Bourgon, 2005). With general offenders, prior record is part of the Central Eight risk factors (Andrews & Bonta, 2010).

3. Any prior or index conditional release failures (15% of the development sample were higher risk): This risk factor examines the offender's behaviors pretrial, while on supervision, and during periods of conditional releases. In Wisconsin, a conditional release offender is typically an offender who has been determined to be a sexual predator, or an offender who is guilty by mental disease or defect. This criterion is similar across the United States.

Behaviors that count are violation of bail, a court order, rules of community supervision, or parole status. For conditional release offenders, if their behaviors require court intervention or revocation of their conditional release, the behaviors are counted; however, self-reported failures while on conditional release do not count. Not counting self-reported behaviors while on conditional release is due to the cognitive delays and impairments these offenders present.

As with the first two risk items, this has empirical research support as a recidivism predictor for general offenders, but is also an established predictive value for sex offenders (Hanson & Morton-Bourgon, 2005).

4. Any prior or index contact sexual offending (18% of the development sample were higher risk): This item is also derived from Static-99R in the research demonstrates that a prior history of contact offenses is a significant predictor of future contact offenses. In CPORT, the risk item counts contact and/or attempted contact offenses; however, also includes index

charges for contact offenses, and is counted regardless of the Judicial System outcome. This item does not count self-reported criminal behaviors.

Static-99R has demonstrated that prior contact offenses are a significant predictor for future contact offenses. As discussed previously, CP offenders typically possess more protective behaviors than contact offenders, which prevents them from acting out on their sexual arousal.

A combination of contact and CP offenses increases an offenders' likelihood to be more pedophilic than either CP only or contact only offenders with no CP history (Babchishin, Hanson, & VanZuylen, 2014). Having a sexual interest in children is an established risk factor for sexual recidivism with contact offenders (Hanson & Morton-Bourgon, 2005).

Prior undetected contact sex offending with CP offenders is a concern. Research has found that a little over half of CP offenders with no know contact history admit to committing a prior contact sex offense against a child (Bourke et al., 2014). A 2010 study using a small sample size of twenty-five Dutch CP offenders found that when they compared self-reporting with post-conviction polygraphs, a majority of the sample, twenty-one, initially denied any contact sex offenses against children in the self-report; however, after their post-conviction polygraph test, many offenders in the sample admitted to engaging in sexual acts against children while five offenders reported their intention to sexually offend against a child if the opportunity was present (Buschman et al., 2010).

5. Evidence of pedophilic/hebephilic sexual interests (40% of the development sample were higher risk): *Pedophilia:* *"over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger)", "the person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal*

difficulty", and *"the person is at least age 16 years and at least 5 years older than the child or children in the first criterion"* (Center for Science and Law, 2015). *"This criterion is analyzed and determined to be unsatisfactory and too one dimensional, not taking into account different types of sexual deviants, the different ways that people act on these impulses, or the diagnostic methods used to determine these criteria"* (Center for Science and Law, 2015).

Hebephilia: Hebephilia is the sexual preference for early adolescent children somewhere between eleven to fourteen years old depending on their secondary sexual development (Psychology Today, n.d.). Presently, there is an ongoing debate if this meets the criteria for a mental health disorder.

Sex offenders with pedophilic interests are more likely to sexually reoffend than non-pedophilic offenders (Hanson & Morton-Bourgon, 2005). *"The finding that pedophilic sexual interests are associated with a greater likelihood of sexual recidivism among child pornography offenders is consistent with the motivation-facilitation model proposed by Seto"* (Eke & Seto, 2016, p. 19).

Evidence supporting this risk item can be gathered from admissions to sexual interests in prepubescent and/or pubescent children (pedophilia/hebephilia). These self-admissions may include sexual arousal to child pornography such as admitting to masturbating to the CP images of their index offense along with any past diagnosis of pedophilia. Dr. Seto notes that an analysis of the CP content does not count for this item as the content is examined in item 6 and 7 of CPORT.

This risk factor focusing on an offender's sexual interests in children arose from Seto and Eke's (2015) research in which 109 (38%) offenders in their sample self-admitted to having a sexual interest in children and CP. This is further broken down with 91 (32%) of the sample

identifying their sexual interest is in prepubescent children while 35 (12%) of the sample identified with pubescent children while some of the sample admitted a sexual interest in both boys and girls. They also found approximately 30% of the sample possessed some of the criteria meeting a diagnosis of pedophilia (Seto & Eke, 2015). (See Figure 1)

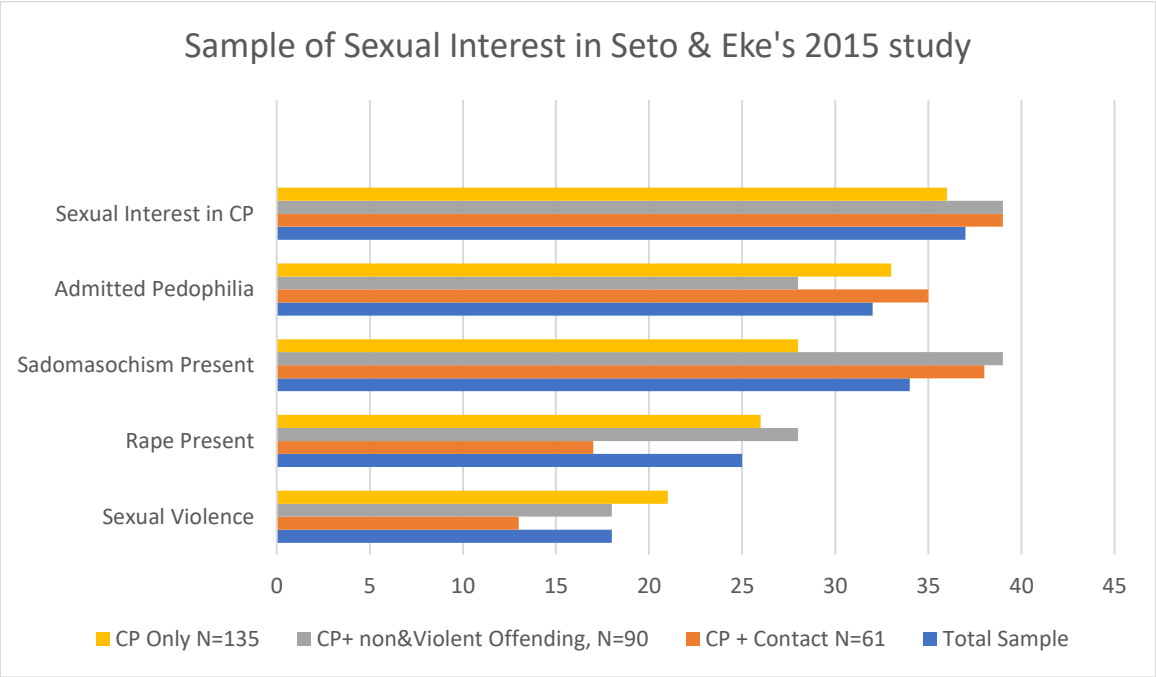


Figure 1.

Dr. Seto created the use of Correlates of Admitted Sexual Interests in Children (CASIC) (See Table 4) to assist in scoring this item. Scoring is either zero or one, and requires that all six items be present for scoring purposes. (See Appendix A for coding guidelines and Appendix B for the scoring form)

In the CPORT development sample, 33 (89%) of the offenders reported sexual interests in children to law enforcement (Eke & Seto, 2016).

6. Boy (≥51%) girl content in child pornography content (15% of the development sample were higher risk): The content must meet the legal definition of child pornography and excludes incidental child nudity or general non-sexuality explicit child material/images. An

assessor is to estimate the number of boy-girl content. Images containing both boys and girls count toward both, and adults are not counted at all.

This item is supported by empirical research which indicates offenders who commit contact sex offenses against boys are more likely to meet the criteria for pedophilia than contact offenders who sexually offend against girls (Eke & Seto, 2016).

Possessing a sexual interest in boy's correlates with a persistence in contact sex offending against boys (Hanson & Morton-Bourgon, 2005). These offenders may also display a higher congruence with children (e.g., Michael Jackson), where they meet their emotional and intimacy needs through contact with children versus adults (McPhail, Hermann, & Nunes, 2013).

In the development sample, most offenders possessed other child images/content such as mainstream media images, advertisements, and family photos obtained from the Internet, while only 7% of the sample possessed CP only images.

7. Boy (≥51%) girl content in child nudity and other child content, excluding child pornography content (16% of the development sample): This item excludes CP and follows the same coding rules as 6. Dr. Seto found that most CP offenders possessed child pornography and non-child pornography images at the time of their index offense.

In addition to the research noted in item 6, interest in boys can be both pornographic and non-pornographic, as the images in both are of sexual interest to the offender. When assessing this item, the assessor should look for other content such as newspaper advertisements, catalogs, and items related to youth sports as these often are stimuli for CP offenders with a sexual interest in boys. Some of this material is more reflective of the offender's emotional needs versus sexual arousal, and may resemble someone having a crush on a child/teen from TV, sports, etc. (See Appendix C for CPORT Scoring Form)

1A. ***CPORT scores with rate of recidivism, CPORT Scoring Sheet, and chart of indicting the samples' access to children at the time of their index CP offense.***

Table 2

CPORT Sexual Recidivism Probability Table

CPORT Score	Observed % of Scores in the Sample[a]	Observed Recidivism Rate[b]	Predicted Recidivism Rate (probability estimate) on the basis of logistic regression[C]
0	16%	2.3%	2.4%
1	27%	4.2%	4.5%
2	24%	11.1%	8.5%
3	13%	11.4%	15.2%
4	9%	20.8%	25.8%
5+	6%	47.1%	40.4%

Note. Note: [a]Although the CPORT is relatively robust in terms of missing data, observed and predicated recidivism probabilities are based on the 254 cases with no missing items, as documented in Seto and Eke (2015). [b]The sexual recidivism base rate for the sample (N=254) was 11%. [c]Probability estimates based on the logistic regression analyses, Hosmer-Lemeshow test for goodness of fit, p=.806.

(Eke & Seto, 2016, p. 26)

Table 7

Access to Children at Index, Distinguishing Child Pornography (CP)–Only Offenders and CP Offenders with Other Known Criminal Involvement Either Preindex or at Index

Access to Children at Index	Total sample (*N* = 286)	CP only (*n= 135;47%)*	CP+ nonviolent and/or violent offending (*n*= 90; 32%)	CP+ contact sex offending (*n*= 61; 21%)	Comparison Statistic
Children living the residence	80 (28)	40 $(30)_a$	22 $(24)_a$	18 $(30)_a$	X^2(2, N= 279) =0.73, p= .69, V= .051
Works with children	18 (6)	9 $(7)_a$	6 $(7)_a$	3 $(5)_a$	p=.903[a]
Volunteers with children	21 (7)	10 $(7)_a$	5 $(6)_a$	6 $(10)_a$	p=.582[a]
Specific info. on Children	26 (9)	8 $(6)_a$	7 $(8)_{a,b}$	11 $(18)_b$	X^2(2, *N*=264) =7.9, p=.02, V=.174
Online sexual solicitation (child or undercover); not necessarily a charge	28 (10)	5 $(4)_a$	12 $(13)_b$	11 $(18)_b$	X^2(2, *N*=286) =11.6, p= .003, V= .202
Online sexual solicitation or specific information	38 (13)	11 $(8)_a$	14 $(16)_{a,b}$	13 $(21)_b$	X^2(2, *N*=264) =7.3, *p*=.03, *V*=.166

Note. All values are ns (with percentages in parentheses). Each subscript letter denotes a subset of the row category whose column proportions do not differ significantly from each other at the $p < .05$ level (using the Bonferroni method). [a]The Freeman–Halton extension of Fisher's exact test was calculated for a 2 × 3 contingency table in which one or more cells did not mean the expected minimum of 5.

(Seto & Eke, 2015, p. 422)

2. Review of literature in Seto and Eke's (2015) CPORT Study

Babchishin, et. al. (2011), found that CP offenders are usually younger than contact offenders, they tend to display greater victim empathy, greater sexual deviance, and lack impression management skills versus contact offenders. However, both types of offenders reported higher rates of childhood physical and sexual abuse as compared to the general population. The offenders typically are Caucasian, single, and unemployed when compared with the general population. The hypothesis is that CP offenders have a greater control over their

psychological barriers preventing them from engaging in contact sex offenses, whereas contact offenders do not possess this level of self-control.

Differences between CP and contact offenders are observed in average age at the time of offense, education, prior criminal history, and psychological risk factors such as sexual deviance, sexual preoccupation, and sexual self-regulation (Babchishin, Hanson, & Hermann, 2011). Child pornography offenders usually have higher sex-related psychological risk factors, but have lower criminal risk factors such as criminal history and antisocial personality traits. Additionally, CP offenders tend to possess fewer cognitive distortions than contact offenders (Babchishin et al., 2011).

Wakeling et. al., (2011), analyzed four actuarial risk assessment tools used in the United Kingdom with convicted CP offenders in England and Wales. The four actuaries, Risk Matrix 2000 scales (RM2000/s, RM2000/v, and RM200/c) along with the Offender Group Reconviction Scale 3 were reviewed to determine the accuracy of the tool with predicting recidivism in the following areas: sexual, violent, sexual and violent, and general criminal reoffending with a sample size of 1,344.

The sample consisted of CP offenders who either started a period of community supervision or had been released from prison to community supervision by March 2007. Offenders (n = 1,326) were reviewed at the one-year mark and the two-year mark (n = 994) for which data were available. The definition for reoffending included any arrests, convictions for a new offense, or cautionary interventions by law enforcement or another legal authority. With the two-year sample, CP reoffending was the most common re-offense.

The authors found that the four actuaries demonstrated a moderate to high predictive value. Results of recidivism for offenders with both a CP and general sex offense and CP

offenders only were very low, specifically for the CP only offenders. The authors indicated further research is needed with specific attention to a larger sample size and longer follow-up periods (Wakeling, Howard, & Barnett, 2011).

Faust et. al., (2015), examined the differences between CP offenders and contact offenders using a sample of male sex offenders released from federal custody between 2002 and 2005, (n = 638) with five subjects included as they had a sex offense conviction in their criminal history. Their results demonstrated that the significant differences in demographic and criminal history variables were that CP offenders observed a lower rate of recidivism. Additionally, CP offenders had lower occurrences of substance abuse and prior criminal records. As previously discussed within this paper, CP offenders had higher occurrences of employment, education, and protective behaviors when compared with contact offenders (Faust, Bickart, Renaud, & Camp, 2015).

Comparing the CP and contact offenders, CP offenders demonstrated a lower recidivism rate in most of the risk factors as compared to the contact offenders. The study reconfirms the well-established data supporting higher recidivism rates for contact offenders (Faust et al., 2015).

3. Review of replicated studies using CPORT

Seto and Eke (2015) acknowledge the need for cross validation studies with larger samples to evaluate CPORT. They further posited that the low base rates of sexual recidivism specifically for contact offense recidivism with CP only offenders suggest it would be difficult to validate a risk assessment tool designed for this purpose.

With the limitations of CPORT, the actuarial presents better predictive value as compared to an unstructured assessment.

Helmus, et. al., (2015) completed a validation study on CPORT, although the sample size was small, 80 offenders, comparable results were observed (Helmus, Eke, & Seto, 2016).

(See Figure 2)

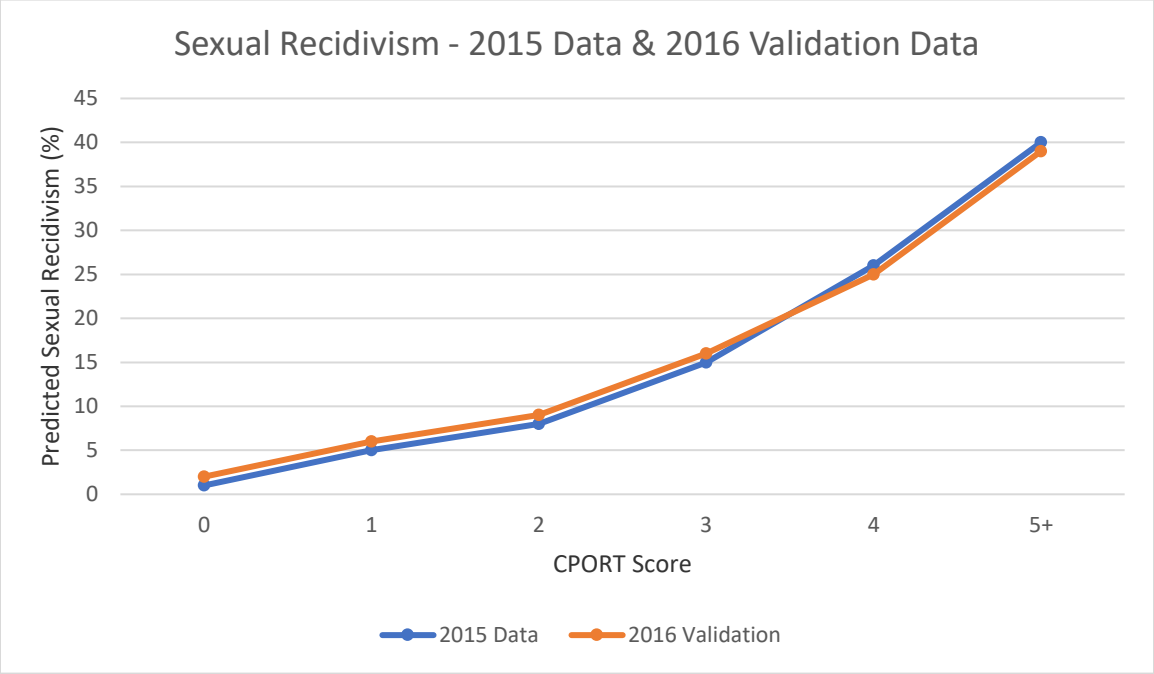


Figure 2.

C. Review of literature examining the different types of CP offenders

Literature has suggested several typologies of CP offenders as: a) offenders who access child pornography out of curiosity or impulse, but do not have a sexual interest in children; b) offenders who access child pornography to meet their own sexual needs without committing a contact offense; c) offenders whose involvement in child pornography is based on a financial gain; and d) offenders who use the Internet to arrange contact offenses (Babchishin et al., 2011).

Seto et. al., (2010) found that approximately half of CP offenders admitted to at least one contact offense while 12.2% of their sample had an official conviction for a contact offense (Seto, Hanson, & Babchishin, 2010).

Quayle and Jones (2011), found that most CP collections contain images of prepubescent and pubescent girls. Images of infants and toddlers were less frequent (Quayle & Jones, 2011).

To qualify for CP, the authors followed Canadian law which defines CP as *"…with nudity comprising images of children who were fully or partially undressed but who were not engaged in any sexual activity; not posed in a sexualized manner; and not emphasizing the chest, anal, or genital areas"* (Seto & Eke, 2015, p. 420).

Seto and Eke (2015) found several differences between CP offenders when classified per their criminal history. Offenders who possess child pornography and have a prior record of contact offenses are more likely to engage in the production of child pornography. CPORT combines seven significant risk factors which aid in the prediction of sexual recidivism, specifically contact sexual recidivism like Static-99R which a specific actuarial for contact offenders. However, CPORT was not predictive for CP only offenders, which the authors attributed to the low base rate of sexual recidivism in the CP subgroup in the five-year follow up (6% compared with the 12% for CP offenders with a nonviolent or nonsexual violent offense histories versus the 23% for CP offenders with contact offense histories).

In relation to the diverse types of CP offenders is the consideration of the nature of the images; i.e. what do they depict. At University College Cork, Ireland, staff in the Department of Applied Psychology Department – Combating Paedophile Information Networks in Europe (COPINE) developed the COPINE scale, a ten-item scale which assesses the nature of the child pornography images based on the increased severity of sexual behaviors. The COPINE Project was created in 1997 and maintains over 80,000 child pornography still images along with numerous child pornography videos (Taylor & Quayle, 2003). (See Appendix D)

D. Review of literature analyzing deviant sexual behavior

The word deviant is often used to explain sexual behaviors that society typically feels does not fit their idea of traditional sexual behaviors; however, with the change in times, the

word deviant now applies to sexual behaviors that are outliers when examining the sexual behaviors of humans versus the perceived traditional behaviors.

In the early 1960s, deviant sexual behavior included sexual assaults, but also *"homosexual acts involving adults"* and *"homosexual offences involving children."* Response from the mental health community identified these offenders as ill both socially and medically and that prison is not a suitable or singular answer. Public response to these crimes was thought to being on *"chaos and emotional turmoil, but may often bring about a worthwhile outcome..."* (Pascoe, 1961, p. 206).

Inclusion of the above information highlights the distance research into sexual behaviors, deviant sexual behaviors, and sex offenders in general has come. In the early 1900s castration was the typical response to someone caught or even accused of engaging in a sexual behavior deemed deviant.

The question among researchers is whether sexually deviant behaviors are part of who we are and whether some people have more protective factors preventing them from acting on those thoughts. Additionally, researcher's questions whether sexual deviance is produced by a medical illnesses/damage to one's brain, due to a mental illness, or engaged in with a full understanding of one's intentions and awareness of the harm they will cause.

Medical evidence supporting deviant sexual behaviors are rooted in a medical abnormality within a person is limited; however, some medical conditions affecting the brain are known to reduce the protective barriers we possess. These conditions occur with long-term substance abuse, use of illegal substances known to cause significant brain damage, and brain damage itself.

Sartori et. al., (2016), presented a case of acquired pedophilia from lesions in the frontal and temporal lobe in his brain. The subject, a 64-year-old male pediatrician engaged in sexual touching on a female child in a kindergartens doctor's office. Unique to this situation is the doctor failed to hide his behaviors and left the door to the office open resulting in his detection (Sartori, Scarpazza, Codognotto, & Pietrini, 2016). The subject showed problems with his brisk motor skills, demonstrated pathological crying, dis-inhibition, childish and obsessive compulsive behaviors, impairment with his emotional reasoning, and demonstrated problems with his moral and abstract thinking (Sartori et al., 2016). The implications of this brain alteration due to a medical condition has serious effects on determining pedophilic behaviors as an acquired condition versus an individual's choice.

In the discussion of deviant sexual behaviors is the question of stability and/or changeability of pedophilia. Seto (2008), posited pedophilia as a sexual age orientation observed by an early onset which correlates to sexual and romantic behaviors that remain stable over time (Seto, 2008).

Grundmann et. al. (2016), examined adult male self-reported sexual arousal and sexual fantasies involving children using a clinical sample of pedophiles and/or hebephiles. They first examined the onset and duration of their sexual fantasies. This required the subjects to be able to recall their age at onset. The second examination looked at the stability and variability of their self-reported sexual fantasies (Grundmann, Krupp, Scherner, Amelung, & Beier, 2016).

The sample consisted of adult males who had not been prosecuted for pedophilic or hebephilic behaviors who had sought out professional treatment through the Prevention Project Dunkefeld (Beier et al., 2015) in Berlin, Germany between 2005 and 2013. The sample contained 494 adult males who completed an intake assessment from which the self-reported

data was obtained. They answered questions regarding their masturbation fantasies involving prepubescent or early pubescent children.

Grundmann et. al., (2016) found that sexual arousal to fantasies involving children remained stable from onset to time of self-report. They further found little evidence to support a significant variance in the degree of sexual arousal over time (Grundmann et al., 2016).

Grundmann et. al., (2016) demonstrates the importance of actuaries like CPORT and support the accuracy of its predictive values. Offenders with pedophilic and/or hebephilic sexual interests remain stable from onset indicating these risk factors are continuous for CP offenders and contact offenders.

E. Review of the usage of polygraphs

Polygraphs, often used in the treatment of sex offenders have been crucial in the research field in attempting to determine whether CP only offenders pose a risk to commit in a contact offense.

Michael L. Bourke with the United States Marshals Service has been on the forefront of the use of polygraphs in sex offender treatment. In the first Bunter Study, Bourke and Hernandez (2008) used a sample of federally incarcerated inmates participating in a volunteer sex offender treatment program which ran approximately eighteen months with fifteen hours per week in session.

The sample consisted of 155 adult males with only CP offenses and no known contact offenses. The age range was from 21 to 71 with varying degrees of educational levels from middle school to offenders with doctoral degrees. Ninety-five percent of the offender sample were Caucasian with three Native Americans, three African-Americans, one Asian, and one Hispanic.

The subjects either completed or left treatment between October 2002 and October 2005. 46 participants were excluded from the study due to no participation in treatment.

The purpose of the study was to determine whether CP only offenders engaged in CP offenses only or are they likely to have undetected contact offenses in their history which would allow an actuary like Static-99R to used. The authors chose a six-month cutoff period due to an offenders' reluctance to make full disclosures upon entry into a treatment program which resulted in final 155-person sample.

Two measures were used to gather data, Presentence Investigation Report (PSIR) completed by an Agent with the U.S. Probation and Parole containing information regarding the offender's offense history, nature of the crime, level of cooperation, and other information gathered to speak to the nature of the offender. The second measure was the Psychosexual History Questionnaire (PHQ) an unpublished actuary relying on self-reported information regarding an offenders' demographics, psychological, criminal, and sexual histories. (See Figure 3)

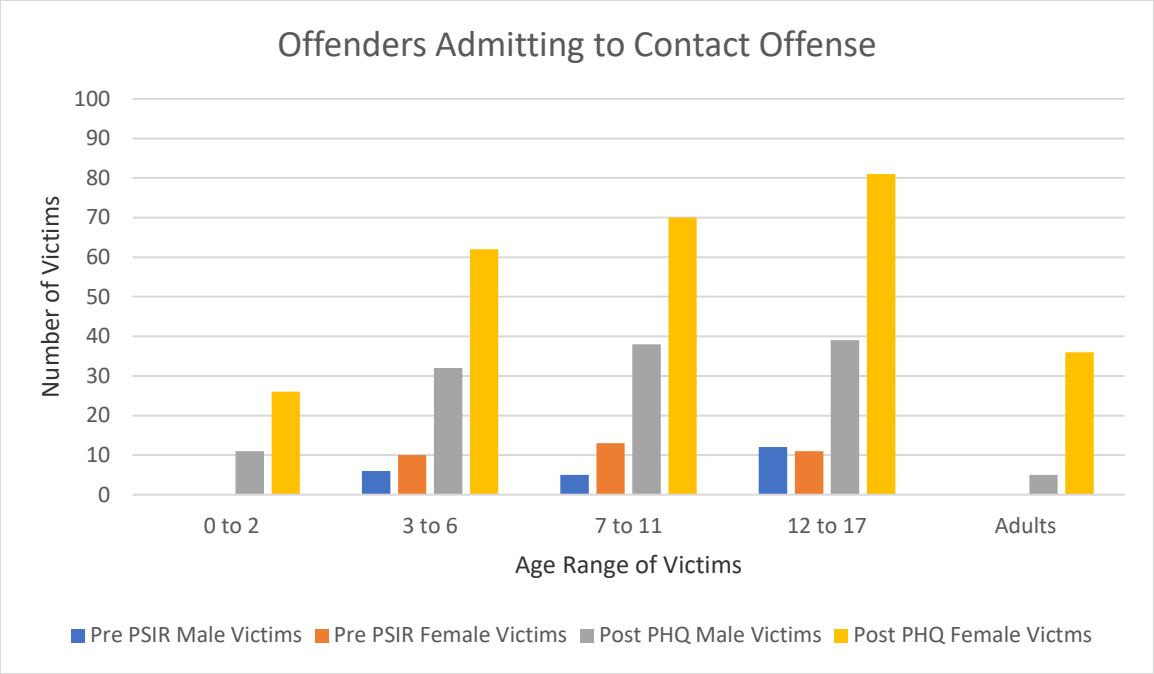


Figure 3. (Bourke & Hernandez, 2008, p. 187)

Bourke and Hernandez (2008) used polygraph examinations in the verification process regarding the subjects' admittance to or denial of contact offenses. First, evidence suggests that participation in treatment programming is more likely than not to elicit an admission of a contact offense. In the Bunter study, they observed a 2,369% increase in the number of contact offenses post treatment. *"The dramatic increase (2,369%) in the number of contact sexual offenses acknowledged by the treatment participants challenges the often-repeated assertion that child pornography offenders are "only" involved with "pictures""* (Bourke & Hernandez, 2008, p. 188).

Twenty-four participants denied contact offenses at the end of treatment, of which nine were polygraphed on their denials. Of this nine only two passed indicating that only 2% of the participants entering treatment could be classified as CP only offenders (Bourke & Hernandez, 2008, p. 188).

Like his Bunter study, Bourke in 2014 conducted a second study gathering data from three federal law enforcement agencies using a convenience sample (n = 135) who agreed to participate in a polygraph examination regarding any contact offense behavior. No one in the sample had a documented criminal history of contact sex offenses (Bourke et al., 2014).

The methods of gathering information in the second study mimic the methods in the Butner study, but also included interviews by Special Agents trained as polygraph examiners. The interviews were completed in three phases: an initial interview, pre-test interview, and a post-test interview.

What they found is that prior to participating in a polygraph test, 4.7% admitted to a contact sex offense against at least one child; however, this number jumped an additional 52.8% during polygraph examinations (Bourke et al., 2014). Empirical research has demonstrated the validity of the predictive risk factors of the STATIC actuaries in predicting sexual reoffending with offenders convicted of contact offenses while CPORT has demonstrated validity in predicting sexual reoffending with CP offenders.

The question research has yet to answer is whether these actuaries, when combined, might provide value in predicting contact sexual reoffending with CP offenders. The use of tactical polygraphing has demonstrated that CP offenders often have undetected contact offenses at the time of their CP index offense. Therefore, is there benefit in combing Static-99R and CPORT? However, if there is an increase in the use of tactical polygraphs to detect contact offenses, then when contact offenses are confirmed, the Static-99R is used.

Section III. Theoretical Framework

Theoretical frameworks when applied to social-science are not explanations of behaviors, rather supporting ideas as to why a person chooses to engage or not to engage in certain

behaviors. When examining the behaviors of sex offenders, most would assume that all humans have built in barriers and thought controls preventing us from engaging in sex offending. Among some sex offenders, whether CP only or contact offenders, those barriers exist; however, they engage in cognitive distorted thinking leading them to justify their behaviors even though they fully understand the potential consequences. So, then, why consider theoretical frameworks to explain sex offending versus just applying one approach, consequence, and treatment model to all?

The answer to the above question is not simple and is as varied as the offenders. Identifying a theoretical framework is a starting position in helping sex offenders learn where their cognitive distortions come from, what is driving them, and how to develop more appropriate coping skills than sex offending. The two theories presented provide the best support to explaining sex offending behaviors. They however, are not the only theories that apply, but through on-going research, they are most widely considered.

A. Rational Choice Theory

Rational Choice Theory has been well established in studies and papers examining general criminality. However, when applied to CP and contact sex offenders, the same principal of the theory: costs versus benefit analysis applies. Most sex offenders, like general criminals, weigh the costs versus the benefits prior to engaging in their sexual offending. Offenders not using this procedure typically have substantial cognitive limitations or are high in psychopathy. Sex offenders have determined that engaging in sexual offending is the best means to meet their sexual desires.

Beauregard and Leclerc (2007), engaged in a study to examine the decision-making process sex offenders engage in prior to committing their crimes. They removed offense

processes and implicit theories from their study and focused on the decision-making process. Their sample consisted of sixty-none adult males identified as "serial sex offenders" with stranger victims (Beauregard & Leclerc, 2007). As identified in the research with the Static actuaries, stranger victims increase an offender's risk to sexually reoffend.

Beauregard and Leclerc (2007), determined there are three identifiable phases offender's processes prior to engaging in their sexual offending.

I. Pre-crime Phase: **Offense Planning**

a. Premeditation – Occurs when the offender begins to plan their sexual assault. In their study, they found that 35% of the sample reported engaging in some form of planning. Fifty-one percent of the sample displayed what Rossmo (2000), termed "premediated opportunism," the exploitation of criminal opportunities after minimal degree of planning and preparation (Rossmo, 2000).

b. Estimation of risk of apprehension – Offenders will estimate the likelihood of detection, arrest, and conviction. This estimation usually results in offenders choosing stranger victims or committing their offenses in locations where detection and identification is not likely. CP offenders typically use this consideration when they engage in their behaviors believing since they commit their crimes via the Internet, they will not be detected. Twenty-nine percent of the sample reported having no prior thoughts about detection before engaging in their sexual offending.

c. Forensic awareness of the offender – Refers to the behaviors of offenders who have had some exposure to the Criminal Justice system, specifically the techniques of law enforcement crime scene investigative procedures. The following statement came from a participant in their study, *"the first rape I was nervous and I panicked so I left evidence*

everywhere. The cops were able to match my DNA with semen I left on the victim, so for me it was clear that I needed to do something about that, especially because now I knew that they had my profile in their records" (Rossmo, 2000, p. 123).

II. Criminal Event Phase: Offense Strategies

a. Use of a weapon – Thirty-nine percent of their sample admitted to the use of a weapon to commit their sex offenses as they weighed the costs versus benefit determining the weapon as an acceptable mean to their goal. In eighty-one percent of the cases reviewed, offenders did not use a weapon indicating that their crimes were not planned.

b. Use of restraints – Although not typical of most sex offenders, the use of restraints fall into two categories: they are either part of the offender's sexual fantasy (role playing), which occurred in forty percent of the sample, or they are a means to gain victim compliance, which was present in seventy percent of the sample. In some cases, both reasons drove the use of restraints accounting for the 111% total.

c. Use of vehicle – It appears based on Beauregard and Leclerc (2007), that use of a vehicle was not a significant component of the principal of rational choice as seventy-one percent of the sample reported they did not use a vehicle.

d. Level of force used – In sixty-three percent of the sample, offenders denied using any level of force as their victims did not engage in any resistive behaviors. Interestingly, twenty-five percent of the sample believed this lack of resistance indicated the victim liked being sexually assaulted. Thirty-five percent of the sample reported using the necessary force to gain compliance. This decision is a fitting example of rational choice theory.

III. Post-Offense Phase: Aftermath

a. Event leading to the end of the crime – In seventy-three percent of the cases reviewed, sample participants reported completion of the sexual assault prior to them leaving the victim, while only seventeen percent of the sample reported they stopped their sexual assault due to an interruption or the observance of a witness. In six percent of the cases, the victim is noted to have escaped from the offender.

b. Victim release location choice – Seventy-nine percent of the sample reported leaving their victims at the scene of the assault. In some cases, the victim was permitted to leave the scene and in other cases, the offender planned the area for release. Thirteen percent of the sample chose a remote area to lessen their detection and apprehension, and nine percent of the sample left their victims in an area where they were likely to receive help.

The rational choice theory focuses on the human's ability to adapt and modify their behaviors to meet their needs. Cornish (1993), posited that criminals like non-criminals adjust and improve their behaviors based on prior experience, success and failures. Cornish further posited that examining situational variables like the crime scene and victim characteristics are included in the rational choice theory process sex offenders engage in (Cornish, 1993).

The above examined how offenders engage in a rational choice process prior to sexually offending; however, they engage in the same process once incarcerated to meet their sexual needs. In a prison setting, offenders continue to weigh the costs versus benefits of engaging in sexual behaviors in prison; although, most sexual encounters between inmates is consensual and typically not a violation of the law. Several costs are considered whether the inmate is the active person or when an inmate chooses to be in a passive role. These costs might include additional

canteen items, the protection of the passive inmate, and overall acceptance of the active inmate's prison group (Terry, 2016).

B. Integrated Theory of Sexual Offending (ITSO)

The ITSO theory posits that sexual offending is a consequence of many interacting variables that are casual in nature. Ward and Beech (2005), examined factors effecting brain development such as evolution, genetic variations, and neurobiology along with ecological factors, which include social, cultural, and physical environments and personal circumstances (Ward & Beech, 2005).

ITSO posits that three sets of factors; biological, ecological, and neuropsychological continuously interact with each other and that sexual offending occurs through the confluence of distal and proximal factors along with contributions from genetic predispositions (Ward & Beech, 2005). (See Appendix D)

In ITSO, the theory allows for the integration of other well established theories on sex offending. These theories certainly are research papers on their own; however, Ward and Beech (2005), identified several theories that are easily incorporated into ITSO. One of the theories in their study is an early example of what Ward and Beech (2005), call ITSO. Marshall and Barbaree's Integrated Theory (1990), also found that the numerous factors both distal and proximal examined by Ward and Beech (2005), contribute to child molestation (Ward & Beech, 2005).

Finkelhor (1984), posited four underlying factors: emotional congruence, sexual arousal, inability to meet sexual needs with adults, disinhibition (Finkelhor, 1984).

Hall and Hirschman (1992), posited that child molestation consists of four factors: physiological sexual arousal, inaccurate cognitions justifying sexual aggression, affective dis-

control, and personality problems with one or more factor as the driving force to child molestation (Ward & Beech, 2005).

Although not an extensive summary of ITSO, there are significant strengths to it. The fact the theory is integrated and allows for the inclusion of other theories to explain sexual offending such as, biological, social, learning, psychological traits, and cultural factors as components of sexual offending. ITSO unifies the range of theories established in empirical research that is well established and accepted in the field. This theory can accept change within a clinical context allowing for inference that the cause of sexual offending might have unique causations that correlate to the offender

ITSO is not a definitive explanation of sexual offenders but rather a tool that can be incorporated into the assessment and treatment of sex offenders. By using the ITSO theory, evaluators can identify specific areas where treatment should be focused.

IV. Discussion of the usage of CPORT

At this time, CPORT is not a standard actuarial in the treatment of sex offenders due to the limited cross-validation studies. In correctional settings, CPORT is not applicable to most sex offenders as their offenses are more often contact offenses. In a treatment approach, there is a long debate on whether CP offenders and contact offenders should be mixed in treatment programs. This debate's focus is whether a CP offender's risk to engage in a contact offense is increased by participating in a treatment program with contact offenders. The hypothesis is that CP offenders will learn behaviors promoting contact offenses.

As research has demonstrated, CPORT has not produced a predictive value among CP offenders to become a contact offender. Therefore, CPORT's value is closely related to the treatment areas to address with a CP offender.

The second area of treatment in which CPORT is a consideration is the treatment of sexual predators. In Wisconsin, sexual predators are civilly committed to Sand Ridge, a Department of Health Services facility, where they remain for an indeterminate amount of time with releases occurring only through a court order. Due to the psychological make-up and high psychopathy of the offenders in these types of facilities, CPORT is not applicable as all offenders have multiple and serious contact offenses.

Community corrections agencies have not fully embraced CPORT for the reasons noted above; however, these agencies provide the best platform for using CPORT and increasing the sample size for data collection. It is common for CP offenders to receive withheld sentences while serving a period of community supervision. In these situations, CPORT is a valuable tool to assess a CP offender's risk in the community and their risk to reoffend by engaging in CP offenses.

V. Recommendations on the usage of CPORT

A. Analysis of the strength and weakness of CPORT

CPORT is rooted in empirical research on sex offender risk factors predicting sexual reoffending among contact offenders. Seto and Eke (2015), pulled the most predictive risk factors from the STATIC actuaries and incorporated them into CPORT. By using these risk factors, Seto and Eke ensure the validity of their actuary.

CPORT is the first actuary to assess the risk of sexual reoffending among CP only offenders whereas Static-99R assess risk of sexual reoffending among contact only offenders. As it stands, CPORT has demonstrated an initial benefit in the risk and treatment assessment of CP only offenders.

CPORT's focus on the gender of CP images an offender possesses are new in the assessment of CP offenders. Prior to CPORT, some evaluators and treatment providers may have casually asked about the gender of the children in the images, but there was not data supporting that having more male child pornography increases a CP offenders' risk to sexually reoffend. In addition to the consideration of the amount of male versus female images, CPORT also demonstrates that the ages of the victims are a significant predictive value. Both concepts were recognized prior to CPORT, but the role they played in determining why CP offenders sexually reoffend was not fully understood.

In relation to asking about gender and age of victims, law enforcement can utilize these research findings to assist in the investigation of CP offenses and to monitor CP offenders in the community. Knowing what risk factors increase a CP offender's risk to sexually reoffend will allow law enforcement to engage in more detailed investigations, which in turn allows district attorneys to fully prosecute CP offenders.

In the corrections field, this same principal applies; however, the research on tactical polygraphs allows department of corrections to utilize this approach with CP offenders to detect prior contact offenses. Knowing this information will dictate the offender's rules of supervision, monitoring approaches, and treatment.

Weaknesses of the CPORT correlate to small sample sizes and a lack of validation studies. Since CPORT is new to the field of sex offending, there needs to be greater replication studies of Seto and Eke's, original work. Seto and Eke (2015), discussed the limitation of using police files to gather background information on CP offenders. Police files and most documents obtained in the investigation of CP offenders do not address the offender's psychological risk factors.

Seto and Eke (2015), used official records for recidivism which they believe underestimate the occurrence of new sexual offending (Seto, Hanson, & Babchishin, 2011). They indicated they could supplement national criminal records with police reports which also allow for the separation of pseudorecidivism from true recidivism (Seto & Eke, 2015).

B. Potential improvement in CPORT measurement risk identifiers

It is too early to determine improvements to CPORT due to the weaknesses noted in the prior section. Further studies with larger sample sizes from different geographical areas will certainly demonstrate areas of improvement. Seto and Eke have indicated that further studies are needed for cross validation and that there are risks to over and underestimating a CP offender's risk to sexually reoffend; however, making a more informed decision with CP offenders has a significant effect from sentencing to supervision.

From a correctional viewpoint, further research needs to occur in areas of CP content material such as level of assault, sadistic qualities and bestiality, etc. If the possession of a specific type of CP image depicting one of the behaviors previously noted is determined to be a predictive factor such as number of images collected, gender of victim(s), and the age of victim(s); this information, if correct would benefit supervising authorities and treatment providers in creating streamline approaches to their respective tasks. Expanding the research in conjunction with CPORT's risk factors might provide a broader range of variables to predict CP recidivism. At this time, it is unknown whether the type of images (behaviors depicted) correlate to a predictive value for recidivism.

Webb et al., (2007) conducted research with a sample size of 210 participants of which, 90 were CP only offenders with the remaining being contact offenders. They examined the variables in background information and offense details between CP only and contact offenders.

They found that some variables appear to be similar, such as socio-affective characteristics; however, differences appear in antisocial variables such as acting out and non-compliance to social expectations and rules (Webb, Craissati, & Keen, 2007).

They concluded there are more similarities than differences between the two offender groups; however, data showed the differences occur at age of index offense, maintaining healthy long-term relationships etc.; the risk factors used in both CPORT and the STATIC actuaries. Background variables were similar for both groups and consistent with other published studies regarding CP and contact offenders. They found that contact offenders often experience more childhood physical abuse versus CP only offenders. (See Appendix E for the full comparison)

They examined the offense related variables such as legal status, previous sexual convictions, and non-convicted allegations etc. finding that CP only offenders score lower when compared to contact offenders. Webb et al., (2007) was not able to establish a correlation between prior convictions or allegations of contact offenses to mental health measures among CP only offenders (Webb, Craissati, & Keen, 2007).

A limitation in this study relates to sample participants who were in total denial of their offenses. This offender more likely than not were not referred to a treatment program and received minimal sentences without treatment as a condition. Their concern is whether this excluded pathological and/or high-risk participants from the study which they suggested using a research design that includes all sex offenders (Webb et al., 2007).

CPORT requires attention to the collection of information regarding the CP images and the behaviors depicted in the images. Scoring of CPORT requires this basic information; therefore, it would be prudent for correctional agencies to engage in a conversation with probation and parole agents on the typology of images, COPINE scale.

Theoretically, through identifying the nature of the images, a correlation could be identified between the preponderance of one typology versus another, and the rate of recidivism. CPORT is not designed for this type of predictive value; however, with further cross-validation, there may be value in making the nature of image a risk factor.

VI. Summary and Conclusions

Sex offender research remains one of the most researched criminal behaviors around the world exceeding all other criminal behavior research; however, determining risk factors among CP only offenders that correlate the potential to engage in a contact offense remains the "holy grail" goal for researchers. One would assume that CP only offenders are predisposed to engaging in contact offenses due to their eventual saturation of viewing CP images. This correlation has not been fully examined as there would need to be a measurement of saturation which would vary among offenders.

Empirical research has demonstrated that contact offenders present with risk factors that have a significant value in predicting sexual reoffending (Hanson & Harris, 1998) and (Hanson & Morton-Bourgon, 2004); however, the CPORT research is the first to be conducted regarding the predictive risk factors among CP offenders with initial results indicating that these risk factors hold a predictive value for reoffending with new CP offenses, but are unable to predict a value to engage in a contact offense.

The STATIC risk factors have demonstrated significant predictive values among contact offenders; therefore, the theory is when the risk factors are extrapolated to CPORT, the values increase the validity of CPORT.

The initial research into the risk factors among CP offenders demonstrated predictive value in those factors (Seto, 2008). Seto and Eke (2015), conducted a cross validation study in

which they found similar values as in the original study; however, the sample size was small, did not contain a broad representation of offenders, and was limited to one jurisdiction. As discussed within this paper, future research needs to include larger samples with a broader range of CP offenders.

The use of tactical polygraphs has shown promise in detecting contact offenses among offenders believed to be CP offenders only. The use of this tool is a supportive component of CPORT further validating the identified risk factors in CPORT as possessing significant value in predicting CP reoffending, but not predicting the potential to commit a contact offense. The caveat to tactical polygraphing is the small sample size in the original study and the lack of cross-validation studies with large samples. Theoretically, if this study is replicated across various sample sizes, countries, races, and jurisdictions etc., the results should show a statistical similarity among the studies (Bourke et al., 2014). When these cross-validation studies are completed, there will be more support and practical use of tactical polygraphing.

When considering why sex offenders offend, the Rational Choice Theory and the Integrated Theory of Sex Offending (ITSO), as well as an offender's behaviors prior, during, and after the commission of their sex offense are significant in determining the psychological make-up of an offender; however, the behaviors do not hold a recidivism predictive value.

CPORT is not appropriate for sexual predators and contact offenders as the risk factors for these offenders are contained in the STATIC actuaries.

Determining the effectiveness and predictive value of CPORT requires more cross-validation studies; however, using the actuary now has not demonstrated any negative consequences among CP only offenders.

Is CPORT able to predict whether a CP only offender is at risk to commit a contact offense in the future? The answer is no, CPORT is designed to predict the risk of a CP only offender committing a new contact offense. Once a contact offense is detected, the STATIC actuaries are the assessment tool to use. There does not appear to be a singular risk factor that can predict the risk among CP only offenders to commit a new contact offense. The STATIC actuaries and CPORT account for the recidivism risks among sex offenders in the respective categories.

CPORT on its own fits the need to evaluate the risk of CP only offenders to sexually reoffend, while Static-99R assesses the re-offense risk for contact offenders. The use of tactical polygraphing is the tool to move an offender from one actuary to another. The use of tactical polygraphing leveled the assessment field. CP offenders may report contact offenses for various unknown reasons and they certainly fail to report contact offenses which when it occurs, the incorrect actuary is used underestimating their risk to sexually reoffend.

Assessing the risk of sex offenders is an ongoing process and that this time, the field has two significant actuaries, CPORT and STATIC which meets those needs.

VII. Appendixes

Appendix A: CASIC Scoring Guidelines (Eke & Seto, 2016)

1. Never Married: 1 = yes

Fifty-four percent of Seto and Eke's (2015) sample had never been married at the time of their CP index offense. Unlike Static-99R, there is no timeframe for a relationship, all that is required is that the offender engaged in a relationship where there is an observable commitment to each other, i.e., moving in together, combining finances, purchasing a home together in which they reside. Gender is not a consideration for this risk factor. Residing with family or roommates does not count as the relationship needs to be intimate.

2. Child pornography videos: 1 = yes

Sixty-four percent of the sample possessed child pornography videos focusing on a child's genitals, sexual acts with or between children, and sexual acts between children and adults. All forms of media are examined and counted for this risk factor including any homemade media of child sexual assault.

3. Child pornography stories: 1 = yes

Thirty-one percent of the sample possessed some form of child pornography stories whether they were traded among CP offenders, written by themselves, or were a commercially produced item. Computers, paper notebooks, smart phones etc. all are potential locations for these stories. CP offenders use these materials to obtain sexual arousal when they do not have access to videos or images. This behavior is common in prisons. Law enforcement has located manuals guide sheets detailing how to sexually offend against children. These manuals are considered child pornography stories.

4. Evidence interest in child pornography spanned two or more years: 1 = yes

Fifty-five percent of Seto and Eke's (2015) sample had a documented history of viewing, downloading, and sharing child pornography. Some CP offenders will move favorite videos/images to media storage such as flash drives or portable hard drives to avoid accidentally erasing the media while cleaning up their personal computer or making more space available for addition child pornography.

5. Volunteering in a role with high access to children: 1 = yes

Seven percent of the sample had a documented history of working with or placing themselves in close contact with children at the time of their arrest or during their offending period. To be scored yes, one must have more than a social interaction with children, i.e.; Boy Scouts, volunteer coach, teacher, etc.

6. Engaging in online sexual communications with a minor or officer posing as a minor: 1 = yes

Ten percent of Seto and Eke's (2015) sample had a documented history of engaging in this behavior. Sexual communications include behaviors such as asking a minor about sexual behaviors they have engaged in, asking whether they have seen a nude adult, what they do with their boyfriend/girlfriend, and asked whether they have viewed pornography. These questions support why many CP offenders possess other forms of pornography and sexual explicit material regardless of their gender preferences.

Appendix B: CASIC Scoring Form (Eke & Seto, 2016, p. 29)

CASIC Score
(Correlates of Admitted Sexual Interest in Children)

Date Completed: Completed by: Information Sources:

Name: Case Number:

No (0)	Yes (1)	U/K (?)	Item	Notes
			1 Never married	
			2 Had child pornography videos	
			3 Had child pornography text stories	
			4 Child pornography activity spanning two or more years	
			5 Volunteering in a role with high access to children	
			6 Engaging in online sexual communications with a minor or undercover officer posing as a minor	
			Total Score	**We do not recommend scoring CASIC if there is more than one item missing.**

Appendix C: CPORT Scoring Form

	CHILD PORNOGRAPHY OFFENDER RISK TOOL (CPORT)		
	Name: DOB: Case number:	Charges at index (include child pornography and otherwise):	**Both factors must be present to score the CPORT:** **YES NO** ☐ ☐ Adult male ☐ ☐ Convicted of a child pornography offence
	Date of Index Investigation: Date of Charge: Date of Conviction:	Nature of child pornography offence, what led to arrest:	
	Completed by:	Date CPORT completed:	Information reviewed and sources:

	CPORT Risk Factors	**Case Details** **Provide support for your score of 0, 1 or unknown.**	**Item Present:** 0=No 1=Yes ?=Unknown
1.	Offender age at time of index investigation: 35 or younger	Details and sources:	
2.	Any prior criminal history?	Details and sources:	
3.	Any failure on conditional release, including charge at index?	Details and sources:	
4.	Any contact sexual offending, including a charge at index?	Details and sources:	
5.	Indication of pedophilic or hebephilic interests USING CASIC?: Yes No If yes, must have a CASIC score of 3 or more to positively score this item.	Details and sources:	
6.	More boy than girl content in the child pornography material (≥ 51%)	Details and sources:	
7.	More boy than girl content in the nude/other child material (≥ 51%)	Details and sources:	
	We do not recommend scoring CPORT if there is more than one item missing (substituting Item 5 with the CASIC score would not be counted as a missing item).		TOTAL SCORE (0 to 7)

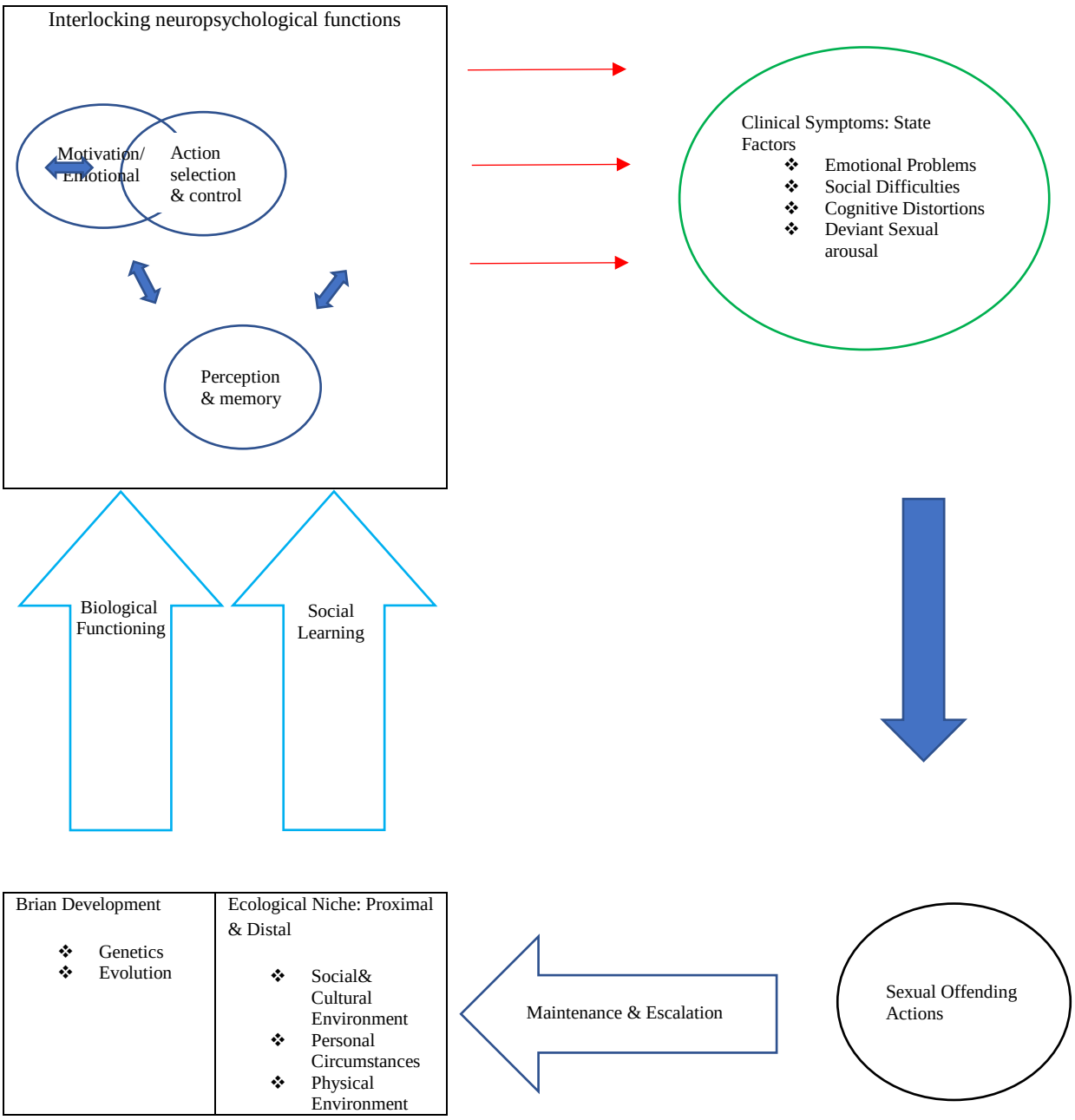
(Eke & Seto, 2016, p. 32)

Appendix D: COPINE Scale

1	**Indicative**	Non-erotic and non-sexualized pictures showing children in their underwear, swimming costumes from either commercial sources or family albums. Pictures of children playing in normal settings, in which the context or organization of pictures by the collector indicates inappropriateness.
2	**Nudist**	Pictures of naked or semi-naked children in appropriate nudist settings, and from legitimate sources.
3	**Ero**	Surreptitiously taken photographs of children in play areas or other safe environments showing either underwear or varying degrees of nakedness.
4	**Posing**	Deliberately posed pictures of children fully clothed, partially clothed or naked (where the amount, context and organization suggests sexual interest).
5	**Erotic Posing**	Deliberately posed pictures of fully, partially clothed or naked children in sexualized or provocative poses.
6	**Explicit Erotic Posing**	Pictures emphasizing genital areas, where the child is either naked, partially clothed or fully clothed.
7	**Explicit Sexual Activity**	Pictures that depict touching, mutual and self-masturbation, oral sex and intercourse by a child, not involving an adult.
8	**Assault**	Pictures of children being subject to a sexual assault, involving digital touching, involving an adult.
9	**Gross Assault**	Grossly obscene pictures of sexual assault, involving penetrative sex, masturbation or oral sex, involving an adult.
10	**Sadistic/Bestiality**	a. Pictures showing a child being tied, bound, beaten, whipped or otherwise subject to something that implies pain. b. Pictures where an animal is involved in some form of sexual behavior with a child.

(Taylor & Quayle, 2003, p. 95)

Appendix E: Unified Theory of Sexual Offending (Ward & Beech, 2005, p. 51)



Appendix F: Background variables between CP only and contact offenders

Background Variables	CP only Offenders (*n*=90) *n* (%)	Contact Offenders (*n*=120) *n* (%)
Age	38 sd 10	45 sd 14**
Ethnicity		
• White (British/Irish/other)	82 (91)	82 (71)
• Black (Caribbean/African/other)	1 (1)	18 (16)
• Asian (Indian/other)	7 (8) 1	5 (13)**
No childhood abuse/difficulties	37 (41)	44 (38)
Emotional/physical neglect in childhood	16 (18)	26 (23)
Physical abuse in childhood	11 (12)	29 (25)*
Sexual abuse in childhood	23 (26)	37 (32)
2+ childhood difficulties	33 (38)	34 (29)
Taken into local authority care	7 (8)	13 (11)
Special schooling	2 (2)	7 (6)
Contact with mental health services	37 (41)	25 (21)**
History of self-harm	5 (6)	7 (6)
No co-habiting relationships (+1 year)	39 (43)	30 (25)**
Marital status		
• Single	48 (56)	49 (41)
• Divorced/separated	5 (6)	23 (19)
• Married/cohabiting	33 (38)	47 (40)

*$p<0.05$, **$p<0.01$

(Webb et al., 2007, 456)

VIII.

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