**This draft compromise document reflects consensus between four of the five Commissioners on the Actuarial Sub-Committee. The SORB is in the process of drafting a separate document reflecting its views for submission to the sub-committee. (2/23/16)**

**Agreements**

1. The current criteria in Massachusetts (SORB’s Risk Factors) and its process for classification have never been empirically tested, and thus the reliability and predictive validity of the instrument and its application have not been established.
2. Risk assessment tools cannot be considered to be reliable or valid unless they have been tested empirically for reliability and predictive validity.
3. The MA SORB assessment procedure involving the Risk Factors is a Structured Professional Judgment (SPJ) approach without any quantification of the factors. Such a risk assessment strategy has been shown in the empirical research done in the last 15 years to be less accurate for predicting risk than empirically validated, mechanical, quantitative procedures (i.e., ones that allow the summing of individual items and yield a total score).
4. It is important to acknowledge that the legislative mandate of the SORB goes beyond the assessment of risk for re-offense and includes as part of a determination of dangerousness the potential severity of any future offense. Any study of the efficacy of the Risk Factors should include an assessment of the severity of the offense perpetrated. Such an assessment of outcome should attempt to gather information about the nature and course of the subsequent crimes as well as their generic criminal categorization and disposition.
5. It also must be noted that recidivism rates gathered predominantly from official record sources can vary widely as a function of how they are measured, how long the follow-up period is, and the risk level of the sample followed. We must also be cognizant that many sexual assaults are not reported or prosecuted (see presentation by Ray Knight, Ph.D. to the Commission on primary prevention, July 28, 2015). Data derived from known recidivism must be interpreted with their limitations in mind. Nonetheless, they do provide an accurate depiction of recidivism from a criminal justice perspective, allow a reasonable comparison of such re-offending to other criminal activity, and because of the criminal justice enhanced attention to convicted offenders, yield more accurate assessments of assault incidents than are available on non-offenders. The failure of an instrument to identify this admittedly “noisy” target would be of great concern.
6. It is a reasonable ideal that the reliability and validity of the SORB criteria should be tested, and a strategy should be developed for creating an evaluation procedure that maximizes reliability and predictive validity on the basis of the objective findings of this evaluation of its ability to predict likelihood of re-offense and ultimate severity of harm.
7. Guaranteeing that community notification practices target the highest risk offenders and provide to the public the most accurate risk information possible is essential for public safety.
8. Only a quantified assessment with follow-up information can provide such essential accurate risk information.
9. Only an instrument with quantified items can provide an ongoing database to improve item reliability and determine the psychometric adequacy of items and their contribution to the prediction of outcome.

**Consequences (Recommendations)**

1. A quantified version of the Risk Factors has to be created and evaluated so that it can make use of the psychometric advantages of quantified assessment.
2. A standing commission should be appointed to oversee the execution of a predictive study that will serve as the basis for determining how to transition into a quantified, reliable, and validated instrument.
3. There are multiple options that the oversight committee could pursue. They would have the discretion to work out the specifics of the study.
	1. The most expedient way to evaluate both the current procedures and to create a new parallel, quantified version is to recommend that a sample of files of offenders who have already been classified in MA serve as the database for the creation of the new quantified instrument, based on the new 40 Risk Factors. The reliability of the new instrument could be assessed using trained raters.
	2. Once a reliable instrument has been created, a sample of offenders who were classified in MA more than 5 years ago could be rated on it and on the Static99R. Follow-up recidivism data to the present could be gathered on this sample by researchers who did not do the ratings or make the original classification decisions. The classification decisions made at the time of initial evaluation using the original 24 Risk Factors version, the new quantified 40 Risk-Factor version, and the Static99R could then be compared to determine the relative predictive validity of each assessment procedure. The reliability and validity of these instruments should be assessed for subsamples of juveniles, women, and special populations.
	3. Alternatively, the quantified version of the 40 Risk Factors could be created in the same way as describe above, but a prospective study could be undertaken using the quantified Risk factors and the Static99R rated by trained raters, and the MA SORB’s SPJ version done in the course of evaluation. After a reasonable follow-up time had past (?5 years?) and an adequate number of cases had accrued, all measures would be compared for predictive validity. The quantified version would provide reliability information on the total score and the individual risk items. The quantified and SPJ versions could be correlated to determine concurrent validation.

D. Regardless of the specific parameters of the recommended evaluative study, such an endeavor will require adequate fiscal and human resources and experts with the requisite, specialized research skills. Because the SORB is operationally tasked with meeting its mandates and is not staffed for this kind of research, this component for evaluating the risk assessment tool should be an independently contracted entity. Such independence is also compatible with best research practices.

1. The outcome of this study should be used to guide what the best strategy is for transitioning to a reliable, empirically validated classification procedure for MA. The oversight committee should also consider in its deliberations about fashioning the ideal classification tool the “transportability” of the evaluative information it can provide across multiple state functions (e.g., Probation, Parole, SORB, Parole Board, Massachusetts Treatment Center) to create a secure, systematized, data-flow of relevant information about adjudicated sex offenders.