



# Current standards and practices in violence risk assessment at a maximum security forensic hospital following a high profile sexual homicide

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**A R T I C L E I N F O**

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**A B S T R A C T**

Often high profile cases impact the standards for ethical practices in forensic psychology and psychiatry. In Minnesota, a high profile sexual homicide allegedly committed by a parolee who was not civilly committed as mentally ill and dangerous or sexually dangerous (likely due to older age) has brought to question the state's risk assessment policies. Due to the high profile nature of this case, the State Operated Forensic Services (SOFS) in Minnesota has attempted to implement heightened standards in their violence risk assessment policy for both mentally ill and dangerous and sexually violent offender populations. The rationale for this article is to outline how the publicity of a high profile sexual homicide can result in changes in a state's risk assessment procedures. The author will briefly outline the revised risk assessment standards within a state operated civil commitment forensic hospital and describe a case study of a civilly committed sex offender who was examined under these new standards. The author will also question whether more is better. Specifically, the question will be asked whether such standards and practices are efficient and necessary given the issues of incremental validity and the fact that there will always be false negatives (an offender who is deemed to be non-dangerous, who ultimately is).

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**Contents**

1.	The impact of a high profile sexual homicide . . . . .	338
2.	Minnesota's statutes for the mentally ill and dangerous and sexually violent offender populations . . . . .	338
3.	Standards and practices in risk assessment . . . . .	339
4.	A need for quality risk assessments following a high profile homicide . . . . .	339
5.	Examining risk for two offender populations . . . . .	339
5.1.	The current Minnesota mentally ill and dangerous risk assessment model . . . . .	339
5.1.1.	HARE PCL-R and PCL-R:SV . . . . .	339
5.1.2.	VRAG . . . . .	340
5.1.3.	HCR-20 . . . . .	340
5.2.	The current Minnesota sexual psychopathic personality and sexually dangerous persons risk assessment model . . . . .	340
5.2.1.	Static 99 and Minnesota Sex Offender Screening Tool—Revised (MnSOST-R) . . . . .	340
5.2.2.	SVR-20 . . . . .	340
5.2.3.	HARE PCL-R . . . . .	341
5.2.4.	Plethysmograph and polygraph . . . . .	341

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6.	Knowing the research . . . . .	341
6.1.	Meta-analytic studies . . . . .	341
6.2.	Dynamic/contextual risk factors . . . . .	341
6.3.	Age effects on recidivism . . . . .	341
7.	Case study of Michael . . . . .	341
8.	Why all the fuss? More is not necessarily better . . . . .	342
9.	Conclusion . . . . .	343
	References . . . . .	343

## 1. The impact of a high profile sexual homicide

On November 22, 2003, an attractive 22-year-old female University of North Dakota student, Dru Sjodin, was allegedly abducted by a paroled sex offender, Alfonso Rodriguez Jr. Mr. Rodriguez is a registered sex offender from Minnesota who had recently completed a 23-year prison term for a prior sex offense. He was a patterned sex offender who was previously convicted of a prior rape and a prior stabbing and attempted kidnapping of a female. Ms. Sjodin's body was discovered April 17, 2004, near Rodriguez's home and a federal grand jury charged Rodriguez with kidnapping and murder.

The horrific murder of Dru Sjodin profoundly affected the heart and soul of the citizens of Minnesota and North Dakota, and ultimately impacted the election for the Minnesota governor position. The governor also considered reinstating death penalty legislation due to the brutal nature of the homicide. Consequently, there has also been a political demand for enhanced and more structured violence risk assessments for both mentally ill and sexually violent offender populations within the State of Minnesota's Department of Corrections and their State Operated Forensic Services where the civilly committed offenders are housed.

Although there were sexual violence risk assessments conducted prior to his release by the Minnesota Department of Corrections, Rodriguez was not deemed dangerous enough (primarily due to his older age) to be civilly committed under the state's commitment procedures.

The failure to civilly commit Rodriguez has raised many questions regarding the practices of risk assessments in prison and how aggressively county prosecutors are seeking commitments. Before being released from prison, all "level 3" sex offenders, those with the highest chance to re-offend, are referred to county attorneys, and it is up to them to find a psychologist's recommendation for or against commitment. Apparently, the state's attorney's office did not request such an evaluation from an independent expert to evaluate Rodriguez and he was released.

Since the Sjodin homicide, there has been a drastic increase in the number of attorney general petitions for commitment of sex offenders throughout the State of Minnesota and this trend has affected nearby states including Iowa and North Dakota. Further, the scrutiny on how risk assessments are conducted for any mentally ill and dangerous and sexually dangerous civilly committed offender has been magnified leading to more intense and structured risk appraisals.

The following section will briefly outline the State of Minnesota's civil commitment legislation for mentally ill and dangerous and sexually dangerous offenders.

## 2. Minnesota's statutes for the mentally ill and dangerous and sexually violent offender populations

Like many states, the State of Minnesota has adopted legislation under the Minnesota Commitment and Treatment Act to manage violent offenders (Minn. Stat. 253B.01). Under this statute, both the mentally ill and dangerous and sexually violent predator offender populations are subject to its sanctions.

Mentally ill offenders who commit violent acts can be subject to indefinite civil commitment before, during, or after their pretrial assessments for competency and sanity for example. Sexually dangerous and sexual psychopathic personality offenders may be indefinitely civilly committed after their prison term is completed.

Under the Mentally Ill and Dangerous Statute (MI&D) (Minn. Stat. 253B Subd. 17) a "person mentally ill and dangerous to the public" is a person (a) who is mentally ill; and (b) who as a result of that mental illness presents a clear danger to the safety of others as demonstrated by the facts that (i) the person has engaged in an overt act causing or attempting to cause serious physical harm to another and (ii) there is a substantial likelihood that the person will engage in acts capable of inflicting serious physical harm to another. Importantly, many MID offenders have a history of sexually violent offenses but were not committed as SPP or SDP.

In contrast, high risk sex offenders can be committed under the Sexual Psychopathic Personality (SPP) (Minn. Stat. 253B Subd. 18b) or Sexually Dangerous Person (SDP) (Minn. Stat. 253B Subd. 18c) statutes. The "sexual psychopathic personality" is defined as the existence in any person of such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of personal acts, or a combination of any of these conditions, which render the person irresponsible for personal conduct with respect to sexual matters, if the person, has evidenced, by a habitual course of misconduct in sexual matters, an utter lack of power to control the person's sexual impulses and, as a result, is dangerous to other persons. A 'sexually dangerous person' means a person who: (1) has engaged in a course of harmful sexual conduct; (2) has manifested a sexual, personality, or other mental disorder or dysfunction; and (3) as a result, is likely to engage in acts of harmful sexual conduct.

These statutes ultimately require forensic psychiatric/psychological risk assessments regarding these two distinct offender populations.

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