

NEBRASKA
SEX OFFENDER RISK ASSESSMENT INSTRUMENT

ITEM #1

Number of Convicted Counts for Sex/Sex Related Offenses (Including current offense)

One	_____	(0)
Two	_____	(40)
Three or More	_____	(60)

SCORING CRITERIA

Total number of convicted counts for all sex/sex related offenses, including the current offense. *A sex offense charge that has an unknown disposition is not considered a conviction.*

COMMENTARY

This item is designed to measure an offender's prior history of sexual offending resulting in legal sanctions. This item is a frequent predictor of sexual re-offense among the studies reviewed.

EXAMPLES

1. The subject has 3 convictions for First Degree Sexual Assault.
Score as Three or more
2. The subject is originally charged with 4 counts of Sexual Assault of a Child. During a plea agreement, the offender is convicted of only two counts of Sexual Assault.
Score as Two

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ITEM #2

Number of Convicted Counts for Other Offenses, besides traffic infractions (Excluding sex/sex related offenses)

None _____(0)

One or Two _____(20)

Three or More _____(30)

SCORING CRITERIA

Total number of misdemeanor or felony convicted counts (**excluding all sex/sex related offenses**). Misdemeanor convicted counts should include drug/alcohol arrests, property crimes and felony or misdemeanor traffic violations that create a more serious public safety hazard (i.e., Driving While Intoxicated, Driving Under Suspension). *They should not include traffic infractions (e.g., speeding)*. Only **convicted counts** should be used. Include Nebraska and out of state criminal history. *A charge that has an unknown disposition is not considered a conviction.*

COMMENTARY

This item is designed to measure the strength of an offender's proclivity toward sexual offending and the lack of deterrence of previous contacts with law enforcement and the judicial system. A sexual assault conviction(s) combined with criminal history shows an increase in the likelihood of sexual recidivism.

EXAMPLES

1. The subject has convictions for Shoplifting, Burglary, and Disturbing the Peace.
Score as Three or more
2. The subject has convictions for D.U.S., Assault, and Sexual Assault.
Score as One or Two (Don't score the sexual assault)
3. The subject has convictions for speeding, no operator's license,DWI and forgery.
Score as One or Two (Don't score the speeding or no operator's license)

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ITEM #3

Other Sex/Sex Related Attorney Filed Charges Not Resulting in Conviction

None	_____	(0)
One or Two	_____	(10)
Three to Seven	_____	(20)
Eight or More	_____	(30)

SCORING CRITERIA

Total number of misdemeanor or felony sex/sex related attorney filed charges that the subject had but was not convicted. **No convictions** should be used. Include criminal history from Nebraska and other jurisdictions. This would include any sex/sex related charges associated with the current conviction that were plea-bargained. *Include sex offense charges that have an unknown disposition, juvenile criminal adjudications (if available) and dismissed charges that were part of a plea bargain, but not wholly dismissed, declined, not guilty or nolle prosequere.*

COMMENTARY

This item is designed to assess the extent of prior sex offense allegations. Often plea agreements reduce several charges to one count when there were several victims or several assaults of the same victim. Use total number of filed charges available in legal documentation (i.e., Court records, police reports, and criminal history files-Nebraska and out of state criminal history).

EXAMPLES

1. Three counts of Sexual Assault of a Child were filed but pled to one count of Sexual Assault of a Child.
Score as One or Two (The offender was convicted of one, leaving two charges)
2. The subject has 8 charges on his criminal history from police records, but court records indicate only three charges were filed.
Score as Three to Seven (Only attorney filed charges are utilized)
3. The subject is charged with Sexual Assault but pleads guilty to Disturbing the Peace.
Score as One or Two

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ITEM #4

Age at Arrest for First Sex/Sex Related Conviction/Juvenile Adjudication

25 or Under _____(30)

26 or Over _____(20)

SCORING CRITERIA

Use exact age on date offender was arrested for the first sex/sex related conviction/juvenile adjudication. This includes information on juvenile criminal adjudications for sex offenses (when available). *This does not include sex offenses where disposition is unknown.*

COMMENTARY

This item is designed to measure the increased risk for sexual re-offense posed by offenders who begin assaulting at a young age. Studies have shown the younger the offender at first offense the greater the likelihood of re-offense. The age of 25 is a community standard cut off age utilized in sex offender risk assessment research.

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ITEM #5

Relationship of Offender to Victim(s)
(More than one category may be scored)

- Family/Step Family/
Foster Children _____(5)
- Acquaintance _____(5)
- Stranger (Never met or met once)
_____ (5)

SCORING CRITERIA

This includes victims for all sex offense charges, convictions, documented self-admissions and founded allegations investigated by an agency authorized to carry out such a duty (e.g., Child Protective Services (CPS)) in available documentation, including those sex offenses with an unknown disposition. If the nature of the relationship changes over the course of the assaultive behavior, score only the relationship when the behavior began. Otherwise, score each applicable victim category.

COMMENTARY

This item is designed to measure the increased risk for re-offense posed by offenders who assault more than one of the listed categories. Someone who would offend a family member and stranger or acquaintance is more likely to re-offend.

- , Family/step family/foster children means those members that live within or outside the offender's residence. This also includes extended family members, i.e., nieces, nephews, cousins, cohabitating partner.
- , Acquaintance refers to someone the victim knew prior to the assault.
- , Stranger refers to someone unknown by the victim prior to the assault or assault occurs after first meeting/contact.

EXAMPLES

1. **Family** - A daughter visiting her mother for a weekend is assaulted by her stepfather that lives with her mother. He assaults a friend of the stepdaughter, three times. **Score as step family and acquaintance (Although the stepdaughter didn't live there full time and isn't a blood relative, she is still considered step family. The friend is an acquaintance as defined in this item.)**
2. **Acquaintance** - A known neighbor, family friend, teacher, girlfriend living elsewhere, or clergy are just a few examples of Acquaintances.
3. **Stranger** - The offender stalked the victim for weeks before the offense or saw her at an event earlier and followed her home. She was not acquainted with him at all.
Score as Stranger

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ITEM #6

Sex Offense Convictions in More Than One State or Federal Jurisdiction (Federal Jurisdiction in the State of Nebraska is considered from another jurisdiction.)

No _____(0)

Yes _____(20)

SCORING CRITERIA

Score YES for offenders who were convicted of sex offenses in more than one state or federal jurisdiction. This must be a **conviction**. *Do not include sex offenses that have an unknown disposition.* (Federal Jurisdiction in the State of Nebraska is considered from another jurisdiction.)

COMMENTARY

This item is designed to measure the strength of an offender's risk of sexual offending by moving across state or federal jurisdictions. This was found to be a strong predictor in the instrument development research.

EXAMPLES

1. The subject is being released from jail in Nebraska for a sex offense conviction, and previously had a sex related conviction in Colorado.
Score as YES
2. The subject is released from parole in Nebraska for a sex offense conviction, and had two other **charges** for sex related crimes in Kansas. *Score as NO (The subject had charges in Kansas not convictions.)*
3. The subject is being released from a Nebraska jail for a sex offense conviction, and had a previous sex related conviction from The U.S. Military in Nebraska, i.e., Offutt AFB.
Score as YES (Federal Jurisdiction in the State of Nebraska is considered from another jurisdiction.)
4. The offender is on interstate parole in Nebraska for a sex offense conviction that occurred in Kansas. He has an Iowa sex offense conviction, but the sentence was served with his Kansas sentence.
Score as YES (Two convictions, time served in two jurisdictions.)

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ITEM #7

Victim(s) Gender

Female _____(15)

Male _____(20)

Both Male and Female _____(30)

SCORING CRITERIA

Check only one. Check the one category that describes the gender of the sexual assault victim(s) over the course of the offender's behavior. Use official records, including victim statements, to determine gender of victim(s). *This includes victims for all sex offense charges, convictions, documented self-admissions and founded allegations investigated by an agency authorized to carry out such a duty (e.g., CPS) in available documentation, including those sex offenses with an unknown disposition. Exclude exonerated charges (i.e., not guilty, nolle prosequere).*

COMMENTARY

This item is designed to measure the breadth of the offender's pool of victims. Research has shown that offenders with male victims are at higher risk to re-offend. An offender who assaults both genders is likely to be at higher risk because of a broader or varied deviant sexual preference/behavior. Score item only for direct victims of sexual assault (i.e., don't score witnesses to the assault unless they were sexually assaulted as well).

EXAMPLE

The subject was charged with sexual assault of a male child and an adult female, but one charge was dismissed in a plea agreement. ***Score Both Male and Female (Has a history of assaulting both genders)***

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ITEM #8

Age of Sex Crime Victim(s)
(Check All That Apply)

Eleven and Under _____(15)

Twelve to Seventeen _____(15)

Eighteen and Over _____(5)

SCORING CRITERIA

Check all that apply. Check the age group(s) that represents the age of the victim(s) over the course of the offender's behavior. If the offender has multiple victims, score the item for each victim. However, do not score any age category more than once. In cases where the offense occurred over an extended period of time (i.e., several years), score each age category that was violated. Use official records, including victim statements, to determine number and age(s) of victim(s). *This includes victims for all sex offense charges, convictions, documented self-admissions and founded allegations investigated by an agency authorized to carry out such a duty (e.g., CPS) in available documentation, including those sex offenses with an unknown disposition. Exclude exonerated charges (i.e., not guilty, nolle prosequere).*

COMMENTARY

This item is designed to measure the breadth of the offender's pool of victims. An offender who crosses over different age groups also may be at higher risk because of a broader or varied deviant sexual preference/behavior (i.e., sexual attraction toward children AND adolescents). This item reflects the number of different age groups for all victims of sex/sex-related offenses. Score item only for direct victims of sexual assault.

EXAMPLES

1. The subject offended against one victim from age 5 until 12.
Score as Eleven and Under AND Twelve to Seventeen
2. The subject offended against his daughter at age 10, went to prison for that conviction and upon release offended her again at age 18.
Score as Eleven and Under AND Eighteen and Over
3. The subject offended against his 10-year-old neighbor, his 14-year-old stepdaughter and his 38-year-old wife.
Score All three age categories.

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ITEM #9

Nature of Sexual Assault Behavior (Check All That Apply)

Possession or Manufacturing of Sexually Explicit Material of a Child without Verbal or Physical Interaction	_____ (0)
Fondling/Manipulate/Seduce/Coerce/ Authority	_____ (5)
Threats of Violence	_____ (10)
Vulnerable Victim Due to Physical or Mental Abnormality	_____ (15)
Offender Provided or Encouraged the Use of Drugs/Chemicals/Alcohol to Control Victim	_____ (20)
Physical Force or Violence/Restrained Victim/Threatened with Weapon or Dangerous Object	_____ (25)
Serious Bodily Injury	_____ (30)

SCORING CRITERIA

Check all that apply. Score the nature of the sexual assault in the current offense and any previous sexual assaults noted in official documentation. Do not score any category more than once.

COMMENTARY

This item is designed to reflect the level of risk posed by an offender who uses varying degrees of force. The greater the amount of force or the more types of force utilized, the higher the score.

DEFINITION/EXAMPLES

1. **Possession or Manufacturing of Sexually Explicit Material of a Child without Verbal or Physical Interaction**-This would involve any visual depiction of a sexually explicit nature involving a child as observer or actor, where there is no manipulation, positioning or verbal direction. Score any other behavior in the appropriate category.
2. **Fondling/Manipulate/Seduce/Coerce/Authority**-Offers rewards, tells victim they will be in trouble, misleads victim, makes demands, or holds position of authority over victim. Such acts are common in cases of nonviolent incest or statutory rape.
3. **Threats of Violence** - Threatening to harm the victim, someone or something else if the victim resists, yells or tells someone about the incident.
4. **Vulnerable Victim Due to Physical or Mental Abnormality** - A victim that is mentally or physically unable to make a rational decision or defend themselves due to incapacitating disease, mental retardation, physical disabilities, etc.
5. **Offender Provided or Encouraged the Use of Drugs/Chemicals/Alcohol to Control Victim** - The offender provided drugs/chemicals/alcohol to a minor victim prior to or during the offense. The offender took advantage of an adult or minor victim's impaired state. The offender "Slipped a Mickey" to the victim.
6. **Physical Force or Violence/Restrained Victim/Threatened with Weapon or Dangerous Object** - Physical force or restraint (e.g., slapping, gagging, tying or holding down, shoving or pulling at the victim), physical direction or control of victim that caused no injury or injury not requiring medical treatment.
7. **Serious Bodily Injury** - Physical force or restraint that caused injury that required medical care or treatment (e.g., broken bones, internal injuries, lacerations)

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ITEM #10

Supervision (Check All That Apply)

Supervision at Time of Assessment _____(0)

No Supervision at Time of Assessment _____(10)

History of Violation of Supervision _____(20)

SCORING CRITERIA

There are two issues to be scored:

- 1) At the time the assessment is completed is the offender under some type of official supervision? This would include Probation, Parole, civil commitment, other supervised release, or monitoring. Does not include pre-trial diversion or bond.
- 2) Has the subject ever violated any official supervision? This includes unsatisfactory completion of probation. (Formal documentation of violation should be included).

COMMENTARY

This item does not give any points to subjects that are under supervision. They are seen as less likely to re-offend while being supervised.

This item is designed to assess an offender's risk for sexual offending behavior in spite of being under some form of supervision. Offenders who have committed offenses while under court or correctional supervision are more likely to re-offend whether it was a sex/sex related violation or not.

EXAMPLES

1. A subject is placed on probation by the court for Sexual Assault.
Score Supervision
2. An offender is released without supervision from the Penitentiary after a three-year sentence for Sexual Assault. He was on Probation for Burglary when he was arrested, charged and convicted of the Sexual Assault.
Score No Supervision AND History of Violation of Supervision
3. A subject is on parole after serving time for sexual assault and has a positive urinalysis test.
Score Supervision AND History of Violation of Supervision

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ITEM #11

**Disciplinary History While Incarcerated
(Check All That Apply)**

No Disciplinary Reports/None Found _____ (0)

Threatened Victim (Documented Reports) _____ (10)

Disciplined for Violent Acts/Sexual Exploitations
_____ (10)

SCORING CRITERIA

Check all that apply. Taken from offender's officially documented disciplinary history of infractions. Score misconduct during incarceration for the instant sexual assault offense. The infraction must have resulted in some type of sanction. Charges that were dismissed should not be counted.

Victim threats must be from official documents (i.e., jail reports, police reports, institutional records).

COMMENTARY

This item is designed to measure the propensity of the offender to disregard rules, even when in a highly structured and supervised environment. It is also a measure of antisocial behavior due to that disregard for rules.

DEFINITIONS/EXAMPLES

1. Violent or Sexually Exploitative offenses for which the offender was found guilty that involved a weapon, physical altercation, sexual activity or could have created serious disruption of the facility (i.e., Possession/Manufacture of a Weapon, Flare of Tempers/Minor Physical Contact, Mutinous Acts, Inciting a Riot, Sexual Activity etc.)

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ITEM #12

Treatment (Consider Incarceration, Court Ordered or Post Release)

No Information Found/Available or Not Court Ordered _____(0)

Consistent Doctoral Level Professional Determination(s) that NO Treatment is Required _____(0)

Successfully Participated/In Post Release/Court-Ordered Treatment _____(0)

Terminated from Treatment/Withdrew against Professional Recommendation/Reached Maximum Benefit but Professionally Determined a High Risk /Unsatisfactory Treatment Participation _____(10)

Not Involved in Court Ordered/ Professionally Recommended Treatment _____(20)

SCORING CRITERIA

Check the **one** category that best describes the subject's most recent involvement in recommended or court ordered treatment/therapy while incarcerated or under court supervision for sexual assault, regardless of type of treatment (i.e., Domestic Violence, Anger Management, Sex Offender Treatment). Not involved in Court Ordered/Professionally Recommended Treatment will not be checked for defendants who were granted probation or sentenced to county jail if sentencing or probation requirements did not specify treatment.

COMMENTARY

This item is designed to measure an offender's willingness to address issues related to his or her sexually assaultive behavior as recommended. The willingness to be actively involved in treatment generally reflects stability, motivation to improve oneself, and cooperation with authority. Failure to actively participate in recommended treatment is likely to reflect denial of problems, responsibility or need for change. Termination, withdrawal or lack of progress in treatment may be indicative of impulsiveness, antisocial behavior, and general instability.

EXAMPLES

1. The subject was on probation for sexual assault, with order for alcohol treatment, but does not comply.
Score Not Involved in Court Ordered/Professionally Recommended Treatment
2. The offender attends sex offender treatment as a parole condition.
Score Successfully Participated/In Post Release/Court Ordered Treatment
3. Doctoral Professionals recommend treatment in pre-sentence reports but the judge doesn't order any treatment as part of probation.
Score No Information Found/Available or Not Court Ordered
4. Offender sentenced to Nebraska Department of Correctional Services (NDCS) for 6 years without a specific court order for treatment. NDCS classification or treatment staff recommend inpatient sex offender treatment but offender refuses.
Score Not Involved in Court Ordered/Professionally Recommended Treatment.

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ITEM #13

**Mental/Cognitive Functioning
(Check All That Apply)**

- No Information Available/No Diagnosis Given _____(0)
- Developmental Disability
Diagnosis _____(5)
- Psychotic Disorder Diagnosis _____(5)
- Personality Disorder Diagnosis
or Traits _____(5)

SCORING CRITERIA

Check all that apply. Diagnosis determined by a licensed Psychologist or Psychiatrist at any point in the subject's life.

COMMENTARY

Individuals with developmental disabilities or psychotic disorders may have difficulties making proper choices. Personality disorders and traits may greatly increase an individual's likelihood of re-offending. Do not include diagnoses considered for rule out.

An override to Level 3 should be noted when a professional documents prior to the offender's release that the offender poses a significant (i.e., high, higher, enhanced) risk of re-offense.

DEFINITION/EXAMPLES

1. **Developmental Disability Diagnoses:** Mental Retardation, Autism, Rett's Disorder, Childhood Disintegrative Disorder, Asperger's Disorder, Pervasive Developmental Disorder.
2. **Psychotic Disorder Diagnoses:** Schizophrenia, Paranoid, Delusional, Schizophreniform, Schizoaffective, Brief Psychotic Disorder, Psychotic Disorder; Not Otherwise Specified (NOS).
3. **Personality Disorder Diagnoses:** Paranoid Personality, Schizoid, Schizotypal, Antisocial, Narcissistic, Borderline, Histrionic, Avoidant, Dependent, Obsessive-Compulsive Personality, Personality Disorder (NOS).

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ITEM #14

Time Between the Most Recent Arrest for a Felony and/or a Class I/II Misdemeanor Conviction and Prior Release from Court Ordered Confinement or Supervision (If Under Supervision When Arrest for New Conviction Occurs Score 24 Months or Less)

- | | | |
|---------------------|-------|------|
| Not Applicable | _____ | (0) |
| More than 24 Months | _____ | (5) |
| 24 Months or Less | _____ | (20) |

SCORING CRITERIA

Use information gathered from official documents (i.e., Criminal History Court and Correctional Documents). Determine the most recent felony and/or Class I or Class II Misdemeanor(s) committed by the offender after previous court ordered confinement, or while under official supervision (i.e., Probation, Parole, or Electronic Monitoring). The time frame is from the time the offender was arrested for the new conviction after his release from some type of supervision (when available, relevant records of juvenile confinement or supervision may be utilized). If the offender was arrested for a new offense and later convicted, it should be scored as 24 Months or Less. *This should include only new charges for which the offender has been convicted not violations of supervision without new charges.*

COMMENTARY

This item is designed to show an offender's lack of regard for the criminal justice system. Offenders that re-offend or commit crimes after court ordered confinement, parole, probation or court supervision are more likely to ignore the possibility or threat of arrest. These offenders show a higher risk to re-offend due to their apathy toward the criminal justice system.

EXAMPLES

1. The offender is convicted in June of 1995 for Assault, sentenced to one year probation, and released from probation in June 1996. He is arrested for Sexual Assault in January 1997 and convicted in July 1998.
Score 24 months or Less (Was arrested for the convicted sexual assault Less than 24 months after supervision)
2. The offender is convicted in June of 1995 for Sexual Assault, sentenced to two years in jail, and is released in June of 1997. He is arrested for possession of Cocaine in October of 1999 but not convicted of a class IV Felony until February 2000.
Score More than 24 months (Arrest was more than 24 months after jail release)

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Override to High Risk

#1

Victim tortured or acts resulted in death

SCORING CRITERIA

Offenders automatically receive a High Risk (Level 3) designation if the victim was tortured or the acts resulted in death.

COMMENTARY

This item is designed to address the risk to the public based on the offender's extreme sexual violence, regardless of offense history. An individual who tortures or kills the victim, is likely to be utilizing extreme methods to avoid detection, focused on the torture or death as the arousing quality of the offense, and/or has total disregard for others. The severity of the behavior and threat to the public warrants High Risk (Level 3) notification.

EXAMPLES

1. This may involve keeping the victim restrained or confined for an extended period, mutilation of the victim (e.g. burning/cutting the victim's face/body in several places, removing body parts, etc.), or ongoing degradation of the victim (e.g., use of feces/urine, victim forced to wear animal collars or have sex with animals, etc.). This may result in either physical injury that requires surgical repair, long-term hospitalization, or long-term psychological intervention.
2. The death of the victim has to be directly related to the offense, i.e., victim stabbed to death, dismembered, or left to die. This does not include a victim that may commit suicide or die of natural causes after the offense, i.e., heart attack weeks after the offense. If the victim dies of such at the time of the offense, this should be included. If the victim has a heart attack or stroke at the time of the offense and dies several weeks later, this should be included.

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Override to High Risk

#2

Victim abducted and forcibly transported to another location

SCORING CRITERIA

Offenders automatically receive a High Risk (Level 3) designation if the victim was abducted and forcibly transported to another location.

COMMENTARY

This item is designed to address the risk to the public based on the offender's abduction or forcible transportation of the victim. An individual, who abducts or forces the victim to go to another location, is more likely to torture or kill the victim, subject the victim to ongoing assault and/or be utilizing a well-developed plan in an attempt to avoid detection/arrest. It is also suggestive of an offender who will do whatever necessary to meet the goal of sexually assaulting a victim.

EXAMPLES

1. An offender promises to show a child at the park a new puppy and the child gets in the vehicle with the offender, who then drives the victim to a different location.
2. The offender grabs a child in the public restroom and carries them away from the location to a more secluded area in the same park.
3. The offender threatens a victim with a weapon if he or she does not drive to another area, thus forcing the victim to leave the first location.
4. The offender grabs a victim from a parking lot, forces the victim in a vehicle and transports the victim to another location.

Override to High Risk

#3

Perpetrator articulates to officials/treatment professionals an unwillingness to control future sexually assaultive behavior or plans to re-offend violently or sexually

SCORING CRITERIA

Offenders automatically receive a High Risk (Level 3) designation if the perpetrator articulates to officials or treatment professionals an unwillingness to control future sexually assaultive behavior or plans to re-offend violently or sexually.

COMMENTARY

This item is designed to measure an offender's increased likelihood to re-offend when he or she continues to plan future assaults or admits that he or she has no plans to discontinue the offending behavior. Some offenders will acknowledge that they enjoy the offending behavior that they have attempted to stop, but "can't" or do not see their behavior as wrong, therefore have no plans to stop the behavior. There must be documentation to law enforcement, supervising officials, court officials, or a treatment professional. Do not score if the offender denies the desire to re-offend but expresses no desire to engage in treatment or sees no need for further change.

EXAMPLES

1. An offender tells his probation officer, "I know that I'll do it again," or "I just can't help myself. As soon as I'm off probation, I will try it again."
2. An offender tells the sex offender counselor, "I can get away with it again. There isn't anything wrong with it in some cultures so you don't have the right to try to change me. I'll do it again, if I get the chance."

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Override to High Risk

#4

Recent clinical assessment of dangerousness by a sex offender treatment or doctoral level professional asserting perpetrator presents significant risk to re-offend

SCORING CRITERIA

Offenders automatically receive a High Risk (Level 3) designation if there is a recent clinical assessment of dangerousness by a sex offender treatment or doctoral level professional asserting the perpetrator presents a significant risk to re-offend.

COMMENTARY

This item is designed to measure an offender's increased likelihood to re-offend based on professional judgment. A treatment or doctoral professional that has evaluated or worked with the client will have knowledge of the offender's willingness to address issues, level of denial, level of minimization, and other risk assessment factors that are likely to lead to re-offense. Use the most recent clinical assessment available.

EXAMPLES

1. A licensed psychologist completes an evaluation for the court that indicates the offender is at high risk to re-offend, especially if the offender does not participate in treatment. The offender does not participate in treatment. The offender should be placed on Level 3.

2. A licensed mental health practitioner who works with a child molester notes that the offender continues to masturbate to deviant fantasies involving female children, has started drinking again, has reunited with his wife, who has visitation with her three female children and has recently lost his job. Further, his risk to re-offend is high and given the current situation seems to be dangerous to re-offend.

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Downward Departure to Low Risk

#1

Debilitating Illness

SCORING CRITERIA

The presence of a debilitating illness is an automatic downward departure to Low Risk (Level 1). The illness must be severe enough to prohibit re-offense. One must consider not only the offender's mobility, but their access to potential victims through coercion or potential victim characteristics. There must be supporting medical documentation from a treating physician.

COMMENTARY

This item is designed to evaluate the likelihood an offender could offend based on his or her current condition. An individual who is in a persistent vegetative state could be at minimal risk to re-offend, based on immobility and potential lack of access to child victims. However, some other disabilities or illness would not necessarily lessen the risk level and in fact may be utilized to manipulate potential victims.

EXAMPLES

1. An offender who has a history of assaulting adult women is in a long-term care facility with multiple sclerosis, but utilizes a motorized wheelchair. This type of person would still have access to potential victims (i.e., nurses, other elderly patients some of whom may be vulnerable because of their own medical conditions). Therefore, no downward departure would be warranted.

2. A child molester who has been in a car accident, resulting in paralysis from the neck down, has constant care and no contact with children may be at minimal risk. However, prognoses should be determined from medical reports, i.e., temporary paralysis that could eventually result in some use of the hands and arms versus permanent quadriplegia.

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Downward Departure to Low Risk

#2

Advanced age

SCORING CRITERIA

There is an automatic downward departure to Low Risk (Level 1) for an offender who meets this criterion. The age and condition of the offender must be sufficient enough to prohibit re-offense. Other factors need to be considered, like access to adult victims and physical/mental condition of the offender. There must be supporting medical documentation from a treating physician.

COMMENTARY

This item is designed to evaluate the possibility of decreased risk based on the offender's age. An offender with no history of child molestation may have less likelihood of re-offending at an advanced age, but not always. There are other factors that need to be considered such as living arrangements, cognitive impairment, physical incapacitation, i.e., there are older individuals who run marathons, go to gyms, continue to sexually assault, become physically combative or dangerous.

EXAMPLE

1. An 80-year-old offender is released from prison for a rape that occurred when he was 56-years-old. He has a history of exposing himself to female prison staff, making sexual comments to them and has grabbed one staff member's breast while in the prison hospital for a minor medical problem just prior to release. He is released to a long term care facility, but walks without assistance and exercises regularly. This man is not likely to stop his inappropriate behavior, may expose himself to nurses/patients, fondle nurses/patients. It is important not to ignore the offender's prior record and minimize the potential for future behavior as being a "dirty old man." This could be a female offender as well. Although the occurrence of females offending against adults is lower, the possibility should not be ignored.

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Subject _____
Last, First, Middle

D.O.B. ____/____/____

Investigator _____

Date Completed _____

1. **Number of Convicted Counts for Sex/Sex Related Offenses (Including current offense)**
- | | | |
|---------------|------|-------|
| One | (0) | _____ |
| Two | (40) | _____ |
| Three or More | (60) | _____ |

Comments: _____

2. **Number of Convicted Counts for Other Offenses, besides traffic infractions (Excluding sex/sex related offenses)**
- | | | |
|---------------|------|-------|
| None | (0) | _____ |
| One or Two | (20) | _____ |
| Three or More | (30) | _____ |

Comments: _____

3. **Other Sex/Sex Related Attorney Filed Charges Not Resulting in Conviction**
- | | | |
|----------------|------|-------|
| None | (0) | _____ |
| One or Two | (10) | _____ |
| Three to Seven | (20) | _____ |
| Eight or More | (30) | _____ |

Comments: _____

4. **Age at Arrest for First Sex/Sex Related Conviction/Juvenile Adjudication**
- | | | |
|-------------|------|-------|
| 25 or Under | (30) | _____ |
| 26 or Over | (20) | _____ |

Comments: _____

5. **Relationship of Offender to Victim(s) (More than one category may apply)**
- | | | |
|------------------------------------|-----|-------|
| Family/Step Family/Foster Children | (5) | _____ |
| Acquaintance | (5) | _____ |
| Stranger (Never met or met once) | (5) | _____ |

Comments: _____

NEBRASKA
SEX OFFENDER RISK ASSESSMENT INSTRUMENT

Subject _____
Last, First, Middle

6. **Sex Offense Convictions in More Than One State or Federal Jurisdiction**
(Federal Jurisdiction in the State of Nebraska is considered from another jurisdiction.)

No	(0)	_____
Yes	(20)	_____

Comments: _____

7. **Victim(s) Gender**

Female	(15)	_____
Male	(20)	_____
Both Male and Female	(30)	_____

Comments: _____

8. **Age of Sex Crime Victim(s) (Check All That Apply)**

Eleven and Under	(15)	_____
Twelve to Seventeen	(15)	_____
Eighteen and Over	(5)	_____

Comments: _____

9. **Nature of Sexual Assault Behavior (Check All That Apply)**

Possession or Manufacturing Sexually Explicit Material of a Child without Verbal or Physical Interaction	(0)	_____
Fondling/Manipulate/Seduce/Coerce/Authority	(5)	_____
Threats of Violence	(10)	_____
Vulnerable Victim Due to Physical or Mental Abnormality	(15)	_____
Offender Provided or Encouraged the Use of Drugs/Chemicals/Alcohol to Control Victim	(20)	_____
Physical Force or Violence/Restrained Victim/Threatened with Weapon or Dangerous Object	(25)	_____
Serious Bodily Injury	(30)	_____

Comments: _____

10. **Supervision (Check All That Apply)**

Supervision at Time of Assessment	(0)	_____
No Supervision at Time of Assessment	(10)	_____
History of Violation of Supervision	(20)	_____

Comments: _____

NEBRASKA
SEX OFFENDER RISK ASSESSMENT INSTRUMENT

Subject _____
Last, First, Middle

-
11. **Disciplinary History While Incarcerated (Check All That Apply)**
- | | | |
|---|------|-------|
| No Disciplinary Reports/None Found | (0) | _____ |
| Threatened Victim (Documented Reports) | (10) | _____ |
| Disciplined for Violent Acts/Sexual Exploitations | (10) | _____ |

Comments: _____

-
12. **Treatment (Consider Incarceration, Court Ordered or Post Release)**
- | | | |
|---|------|-------|
| No Information Found/Available or Not Court Ordered | (0) | _____ |
| Consistent Doctoral Level Professional Determination(s) that
NO Treatment is Required | (0) | _____ |
| Successfully Participated/In Post Release/Court Ordered Treatment | (0) | _____ |
| Terminated from Treatment/Withdrew against Professional
Recommendation/Reached Maximum Benefit but Professionally
Determined a High Risk/Unsatisfactory Treatment Participation | (10) | _____ |
| Not Involved in Court Ordered/Professionally Recommended Treatment | (20) | _____ |

Comments: _____

-
13. **Mental/Cognitive Functioning (Check All That Apply)**
- | | | |
|---|-----|-------|
| No Information Available/No Diagnosis Given | (0) | _____ |
| Developmental Disability Diagnosis | (5) | _____ |
| Psychotic Disorder Diagnosis | (5) | _____ |
| Personality Disorder Diagnosis or Traits | (5) | _____ |

Comments: _____

-
14. **Time Between the Most Recent Arrest for a Felony and/or a Class I/II Misdemeanor Conviction and Prior Release from Court Ordered Confinement or Supervision (If Under Supervision When Arrest for New Conviction Occurs Score 24 Months or Less)**
- | | | |
|---------------------|------|-------|
| Not Applicable | (0) | _____ |
| More than 24 Months | (5) | _____ |
| 24 Months or Less | (20) | _____ |

Comments: _____

Page 3 Total _____

PAGE ONE TOTAL _____

PAGE TWO TOTAL _____

PAGE THREE TOTAL _____

TOTAL POINTS _____

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Subject _____
Last, First, Middle

Override to High Risk (Check All That Apply-No Points)

- 1. Victim tortured or acts resulted in death _____
- 2. Victim abducted and forcibly transported to another location _____
- 3. Perpetrator articulates to officials/treatment professionals an unwillingness to control future sexually assaultive behavior or plans to re-offend violently or sexually _____
- 4. Recent clinical assessment of dangerousness by a sex offender treatment or doctoral level professional asserting perpetrator presents significant risk to re-offend. _____

Downward Departure to Low Risk (Check All That Apply-No Points)

- 1. Debilitating Illness _____
- 2. Advanced age _____

Risk Assessment

TOTAL POINTS _____

LEVEL 1
Low Risk
80 and Below

LEVEL 2
Moderate Risk
85-125

LEVEL 3
High Risk
130 or Above

Departure

- 1. A departure from the presumptive risk category is warranted
- 2. If yes, circle the appropriate category

LEVEL 1
Low Risk

LEVEL 2
Moderate Risk

LEVEL 3
High Risk

- 1. If yes, explain the basis for departure: _____
