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**STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT**

In re the Detention of:

JAMES EDWARD JONES,

Respondent.

NO. 13-2-00608-6

CERTIFICATION FOR
DETERMINATION OF
PROBABLE CAUSE

I, Kristie Barham, am an Assistant Attorney General for the State of Washington and am familiar with the investigation conducted by the Washington State Department of Corrections and various law enforcement agencies relating to the respondent, James Edward Jones.

Pursuant to RCW 71.09.030, the Attorney General for the State of Washington is filing this petition at the request of the Spokane County Prosecuting Attorney.

Petitioner, State of Washington, sets forth the following in support of its motion for the determination of probable cause that the Respondent, James Edward Jones, is a sexually violent predator pursuant to chapter 71.09 RCW.¹

I. SEXUALLY VIOLENT OFFENSES

Respondent, James Edward Jones (hereafter, Jones), was born on November 11, 1951. He is currently 61 years old. Jones has been convicted of two sexually violent offenses as that

¹ A "sexually violent predator" means "any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility." RCW 71.09.020(18).

1 term is defined in RCW 71.09.020(17), specifically rape in the second degree by forcible
2 compulsion.

3 **A. August 1996 Rape In The Second Degree By Forcible Compulsion (2 Counts) and**
4 **Unlawful Imprisonment, Spokane County Superior Court Cause No. 96-1-01869-5**

5 During the evening of August 8, 1996, 14-year-old J.L. encountered 44-year-old Jones as
6 she was walking home from the store. She had only known Jones for a few months. Jones was
7 hanging out and drinking with friends and invited her inside. Shortly thereafter, Jones told
8 J.L. that he wanted to show her something in the garage behind his mother's home. They walked
9 to the nearby garage. Once inside, Jones barricaded the door. J.L. tried to leave, but Jones hit
10 her several times and told her she was not leaving. He threatened to kill her if she screamed.

11 Jones told her to pull her pants down. She told him, "No." Jones responded that he did
12 not like the answer no and threw her down on the couch and started to strangle her. He forcibly
13 pulled down her pants and underwear and vaginally raped her with his penis while she resisted.
14 After the rape, J.L. tried to escape, but Jones threw her up against a wall. She fought him and
15 struggled and fell on the floor. Jones then vaginally raped her again on the floor. After the
16 second rape, J.L. stood up and Jones knocked her back down. He moved her back to the couch,
17 held her down, and told her he would kill her if she left and told anyone what happened.
18 J.L. eventually escaped wearing only her shirt and bra. She ran to a friend's home and called
19 911. The police arrived and took her to the hospital.

20 Jones was charged with two counts of rape in the second degree by forcible compulsion
21 and one count of unlawful imprisonment. On May 30, 1997, a jury found Jones guilty of all
22 three counts. On September 19, 1997, the court sentenced Jones to 198 months in prison for each
23 rape, to be served concurrently. The unlawful imprisonment conviction merged with the rapes.
24 Jones was also sentenced to 36 months of community custody and ordered to participate in
25 sexual deviancy treatment.

II. OTHER SEXUAL OFFENSES

A. June 1986 Rape / Unlawful Imprisonment (Dismissed): Spokane County

On June 30, 1986, 36-year-old J.D. left the Sun Burst Tavern and discovered three of her car tires had been slashed. Thirty-four-year-old Jones, a stranger, drove up in a blue-over-gold Buick and offered to get her some tires. He drove her to a trailer and asked her to come inside and talk. She agreed. Once inside, Jones told her he was going to "make love" to her. She refused. Jones then dragged her to the back of the trailer and threw her on the bed. He removed her pants and started to strangle her. Jones told her that he would kill her if she screamed. Jones penetrated her vagina with his penis several times over the next three hours. During the rapes, he held a kitchen knife and potato peeler up to her throat and told her he would kill her if she did not do what he said.

J.D. eventually escaped and ran to a neighboring home for help. Jones fled in the Buick. The neighbors told J.D. they knew a black male named Jimmy Jones who drives a blue-over-gold Buick. They called the police. Jones' brother subsequently advised the police that the trailer belonged to their mother and that Jones occasionally stayed in the trailer. He also said that Jones drove a blue-over-gold Buick. Police searched the trailer and located the potato peeler described by the victim. They also found Jones' wallet on the bed.

Jones was arrested later that night outside of his mother's home in a blue-over-gold Buick. Jones denied any involvement in the sexual assault. He said that he was at the China Gate earlier in the evening and then drove to his mother's home and had been asleep ever since.

On July 2, 1986, Jones was charged with rape in the first degree. Due to the lack of personal identification by J.D., police conducted a line-up at the jail. J.D. picked a different male, not Jones, out of the line-up. Based on the lack of identification, the prosecutor dropped the charge. Although Jones initially denied any sexual involvement with J.D., he recently

1 admitted that he lied to the police. He now admits to having sexual intercourse with
2 J.D., although he claims it was consensual.

3 **B. June 1990 Rape (Uncharged): Grant County**

4 On June 6, 1990, officers were dispatched to a gas station in Sacramento, California
5 where 14-year-old M.G. reported that 38-year-old Jones raped her several days ago in
6 Grand Coulie, Washington and then took her to California. M.G. explained that she had run
7 away from home and Jones took her camping in Grand Coulie. Jones was her mother's
8 ex-boyfriend. M.G. reported that she and Jones were in the back of his station wagon when he
9 started to force himself on her. She told him she did not want to have sex with him, but he
10 insisted that sex was part of the deal. She tried to fight him off, but he grabbed both of her
11 arms and held her down. He then forced his penis inside her vagina. They spent the next
12 several nights on the road at rest stops. She reported that she was afraid to leave. However,
13 while at a gas station, M.G. saw an opportunity to get away and called the police.

14 Sacramento police responded and approached Jones in a parking lot. Jones gave an
15 alias of "Johnny Jones." Jones was on parole in Washington at the time. Jones denied
16 sexually assaulting M.G. He reported that they "kissed and stuff," but that he did not have sex
17 with her. He said he met M.G. at a party.

18 It does not appear that any rape charges were filed against Jones in Washington State.
19 However, Jones was convicted in California of Giving a False Identification and sentenced to
20 five days in jail. Jones then waived extradition and was returned to Washington for a parole
21 revocation hearing. Both M.G. and her mother testified at the parole revocation hearing. On
22 August 22, 1990, Jones was found guilty of violating the following conditions of parole:
23 (1) Forcing M.G. to have intercourse with him against her will in Grant County on or about
24 June 2, 1990; (2) Taking M.G. to Sacramento, California against her will on or between
25 June 2, 1990 and June 7, 1990; and (3) Giving false information to Sacramento police on
26

1 June 7, 1990. Jones' parole was revoked based on these violations and he was returned to
2 prison. Jones remained in prison until his maximum expiration date and was released on
3 November 15, 1991. Although Jones initially denied having sex with M.G., he now admits to
4 having sexual intercourse with her, although he claims it was consensual.

5 **C. March 1992 Rape (Uncharged): Spokane County**

6 On March 6, 1992, officers were dispatched to the hospital regarding a rape that
7 occurred the prior evening. Thirty-one-year-old J.C. reported that she met a man named
8 JJ (later identified as Jones) at a bar and agreed to go to his home to "get stoned." When they
9 arrived at his home, which was a garage converted to a house, Jones made sexual advances.
10 She resisted his advances and told him to take her back to the bar. Jones "freaked out" and
11 grabbed her by the hair and told her she was not leaving. He threw her to the floor and said,
12 "I'm stronger than you bitch, I'll break your neck." She continued to struggle and he hit her
13 head on the floor until she lost consciousness. She lost a necklace during the struggle. She
14 awoke with him nude on top of her. He had removed her pants and underwear and was
15 penetrating his vagina with his penis. During the sexual assault, Jones' mother knocked on the
16 door. J.C. pulled away from Jones, got dressed, and asked his mother to take her home. She
17 agreed. During the car ride, J.C. saw two female acquaintances and jumped out of the car and
18 told them she was just raped. They took her to the hospital. She had bruises and scrapes on
19 her back, chest, head, and legs.

20 Police officers interviewed Jones' mother at her home. She reported that she had not
21 seen Jones for a couple of days and denied seeing or talking to J.C. She agreed to let officers
22 search the home and eventually admitted that Jones was in the bedroom. Officers found Jones
23 hiding in a corner behind a dresser. Jones reported that J.C. agreed to have sex with him in
24 exchange for drugs. They had consensual sex and he gave her \$50. He reported that she
25 "went off" when she saw his mother. Jones' mother subsequently admitted that she had talked
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1 to J.C. and gave her a ride. Jones' mother reported that J.C. seemed a little anxious, but she
2 refused to answer any more questions. Officers found J.C.'s broken necklace on the floor.
3 Jones had a 1.5 inch scratch over his eye and blood under one of his fingernails. Jones was
4 arrested and transported to jail.

5 During the investigation, police discovered that J.C. had a lengthy criminal history,
6 including a history of drug use and making a false report. When questioned by officers, she
7 initially denied any prior drug use. However, she subsequently admitted that she does abuse
8 cocaine and alcohol. She continued to report that Jones had sexually assaulted her. A
9 detective noted considerable bruising on her legs, hips, back, shoulders, and head. She also
10 had some bumps on her head. After J.C. failed a polygraph test, no rape charges were
11 requested and Jones was released from jail.

12 **D. September 2011 Assault 3rd: Yakima County Cause No. 11-1-01300-1**

13 In December 2010, Jones was released from prison after serving his sentence for the
14 1996 rapes. Less than one year later, Jones committed another sexual assault while on
15 probation.

16 On September 6, 2011, officers were dispatched to a welfare check. Officers responded
17 and located 36-year-old J.B. in the passenger seat of a car driven by 59-year-old Jones.
18 J.B. flagged over the officers, who immediately noticed two large welts swelling on J.B.'s face
19 and red marks around her neck. J.B. was very upset and reported that Jones had raped her.

20 J.B. met Jones earlier that day and gave him a ride home. Jones told her he wanted to
21 show her something inside his apartment. As soon as she entered his apartment, he slammed
22 the door behind her, grabbed her by the neck, threw her on the bed, and kicked her in the
23 stomach. When she tried to get up, he punched her in the face and knocked her back down.
24 Jones hit her and choked her with his hands as she struggled and tried to get away. Jones
25 vaginally raped J.B., who lost consciousness at one point during the assault. After talking to
26

1 the officers, the victim went to the hospital. She had abrasions and bruises all over her body,
2 including on her neck and face.

3 Officers interviewed a female who lived in the same building as Jones and was present
4 at the time of the incident. She reported that J.B. ran over to her and frantically told her to call
5 911. At that point, Jones entered the room and grabbed J.B. by the neck and hair and dragged
6 her back down to his apartment. The female could hear Jones assaulting J.B. as J.B. screamed.
7 When asked why she didn't intervene and call 911, the female reported that she did not have a
8 phone and did not want to get involved.

9 On September 9, 2011, Jones was charged with rape in the first degree. In November
10 2012, charges were amended to rape in the first degree or, in the alternative, rape in the second
11 degree by forcible compulsion and assault in the third degree. On November 14, 2012, Jones
12 pled guilty to assault in the third degree and the rape charge was dismissed. He was sentenced
13 to twelve months in prison and given credit for time served.

14 However, Jones was not released from jail. In September 2011, his probation was
15 revoked after he tested positive for drugs. Since his release in December 2010, Jones had three
16 separate probation violation hearings over testing positive for drug use. He was found guilty of
17 violating his release conditions at each hearing. At the third hearing, the hearing officer
18 returned Jones to prison to serve the remainder of his prison sentence for the 1996 rapes. He is
19 currently in custody serving this sentence.

20 **III. SEX OFFENDER TREATMENT**

21 After Jones committed the 1996 rapes, the court ordered him to participate in sexual
22 deviancy treatment. However, Jones refused to participate in sex offender treatment while in
23 prison. He denied committing the rapes and claimed he did not need treatment. Jones has
24 never participated in any sex offender treatment program.

1 **IV. SEXUALLY VIOLENT PREDATOR EVALUATION**

2 On February 11, 2013, Dr. Harry Hoberman completed an evaluation of Jones at the
3 request of the Department of Corrections to determine whether Jones meets criteria as a sexually
4 violent predator (SVP). A true and accurate copy of Dr. Hoberman’s evaluation is attached as
5 Exhibit A. Dr. Hoberman is familiar with RCW 71.09 and has considerable experience in the
6 diagnosis and evaluation of sex offenders. He has testified numerous times as an expert in SVP
7 cases. A true and accurate copy of Dr. Hoberman’s Curriculum Vitae is attached as Exhibit B.

8 In conducting an evaluation of Jones, Dr. Hoberman reviewed nearly 3,000 pages of
9 records involving Jones, including police reports, court documents, criminal history records,
10 Department of Correction records, probation violation reports, and treatment records.
11 Dr. Hoberman also interviewed Jones as part of the evaluation. This interview took place on
12 January 28, 2013 and January 29, 2013, and lasted approximately eleven hours. Exhibit A at 1-2.
13 The interview included administration of psychological testing. *Id.* at 2.

14 It is Dr. Hoberman’s opinion, to a reasonable degree of psychological certainty, that
15 Jones meets criteria as an SVP. Exhibit A at 3, 126. Dr. Hoberman diagnosed Jones with
16 Paraphilia Not Otherwise Specified (NOS) (Coercive / Non-consent). *Id.* at 3, 95-98, 126.
17 Paraphilia NOS (Coercive / Non-consent) is characterized by: (1) recurrent, intense sexually
18 arousing fantasies, urges or behaviors involving sexual activity involving non-consensual,
19 coerced or forced sex; and (2) the person has acted on these sexual urges, or the behavior, sexual
20 urges, or fantasies cause clinically significant distress or impairment in important areas of
21 functioning. *Id.* at 96. Dr. Hoberman indicated that Paraphilia NOS (Coercive / Non-Consent) is
22 a mental abnormality.² Exhibit A at 3, 97, 126.

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25 ² Mental abnormality means “a congenital or acquired condition affecting the emotional or volitional
26 capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such
person a menace to the health and safety of others.” RCW 71.09.020(8).

1 Dr. Hoberman also diagnosed Jones with Antisocial Personality Disorder. Exhibit A at 3,
2 93-99, 126. This qualifies as a personality disorder under RCW 71.09.020(9).³ Dr. Hoberman
3 also scored Jones on the Hare Psychopathy Checklist-Revised (PCL-R). Exhibit A at 3, 94-95.
4 Scores on the PCL-R range from 0 to 40. Jones has a score of 36 on the PCL-R, which is well
5 above the cutoff for defining an individual as a “psychopath.” *Id.* at 94. This score places
6 Jones in the upper 1% of male prison inmates. *Id.* Individuals with a high psychopathy score
7 are at an increased risk for sexual reoffending. *See id.* at 94-95, 119-20. Dr. Hoberman
8 indicated that Jones’ mental disorders affect his emotional and volitional capacity and cause
9 him serious difficulty controlling his behavior and make him likely to engage in predatory
10 acts of sexual violence if not confined in a secure facility.⁴ Exhibit A at 3, 97-99, 126.

11 Dr. Hoberman conducted a comprehensive risk assessment in order to determine
12 whether Jones is likely to engage in predatory acts of sexual violence if not confined in a
13 secure facility. *See* Exhibit A at 99-126. Part of Dr. Hoberman’s risk assessment involved
14 actuarial instruments. Actuarial instruments use statistical combinations of a limited number
15 of risk factors and provide estimates of the degree of risk. *Id.* at 107-08. Likelihood of
16 recidivism is usually presented as a percentage in a given time frame, such as 10 years.
17 Dr. Hoberman used five different actuarial instruments to assess Jones’ risk: Static-99,
18 Static-99R, Static-2002R, Minnesota Sex Offender Screening Tool-Revised (MnSOST-R),
19 and Sex Offender Risk Appraisal Guide (SORAG).⁵ *Id.* at 109.

22 ³ A “personality disorder” means “an enduring pattern of inner experience and behavior that deviates
23 markedly from the expectations of the individual’s culture, is pervasive and inflexible, has onset in adolescence or
24 early adulthood, is stable over time and leads to distress or impairment.” RCW 71.09.020(9); *see also* Exhibit A
25 at 93. Dr. Hoberman indicated that Jones manifests characteristics associated with several different personality
26 disorders. *See* Exhibit A at 93-99.

⁴ “Likely to engage in predatory acts of sexual violence if not confined in a secure facility” means that
“the person more probably than not will engage in such acts if released unconditionally from detention on the
sexually violent predator petition.” RCW 71.09.020(7)

⁵ A table comparing the results of all five actuarial instruments is located on page 118 of the evaluation.

1 The Static-99 and Static-99R measure the risk for *conviction* of a new sexual offense.
2 Jones' score on the Static-99 is associated statistically with a 52% likelihood of being
3 reconvicted fro a new sexual offense within fifteen years of release. *Id.* at 109. Jones' score
4 on the Static-99R is associated with a 36% likelihood of being reconvicted of a new sexual
5 offense within ten years of release. *Id.* at 110-14. Jones' score on the Static-2002 places him
6 in the moderate risk category. *Id.* at 114-16. Individuals with a score similar to Jones have
7 been found to sexually reoffend at a rate of 28% over ten years. *Id.* at 116. The MnSOST-R
8 measures the risk of being *rearrested* for a new sexual offense. Jones' score on the
9 MnSOST-R is associated statistically with a 72% likelihood of being rearrested for a new
10 "hands on" sexual offense within six years of release. *Id.* at 116. The SORAG measures
11 violent recidivism, although it has also been shown to have strong predictive strength when
12 used to predict sexual reoffending. *Id.* at 116-17. Jones' score on the SORAG is statistically
13 associated with a 75% probability of violent reoffending within seven years of release, and an
14 89% probability of violent reoffending within ten years of release. *Id.*

15 Actuarial instruments have some limitations. First, they typically do not contain
16 important variables that are difficult to measure, such as deviant sexual interest or
17 psychopathy. *Id.* at 118. Second, they are based on either rearrests or reconvictions for
18 sexual offenses, which underestimate actual sexual reoffending. *Id.* Third, they measure
19 recidivism for a discrete and brief period of time as opposed to measuring lifetime risk of
20 recidivism. *Id.* Because of this, Dr. Hoberman considered other individual risk factors
21 identified by the research as being associated with sexual reoffending. Some of these factors
22 include: deviant sexual arousal, antisocial orientation, psychopathy, and failure to complete
23 treatment. *Id.* at 106-07. Dr. Hoberman indicated that Jones is characterized by nearly all of
24 the individual risk factors in the research literature as being associated with a greater risk of
25 sex offense recidivism. *Id.* at 107.
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1 Dr. Hoberman also scored Jones on the Sexual Violence Rating Scale (SVR-20),
2 which is an instrument developed to provide structured clinical risk assessment for sexually
3 violent recidivism. *Id.* at 120-21. The SVR-20 provides a list of twenty variables believed to
4 be associated with a higher risk of sex offense recidivism. Of these twenty risk factors, Jones
5 is characterized by some degree in the following seventeen domains: deviant sexual arousal;
6 victim of child abuse; psychopathy; major mental illness; substance abuse problems;
7 relationship problems; employment problems; past non-violent offenses; past non-sexual
8 violent offenses; past supervision failure; multiple sex offense types; physical harm to victims
9 in sex offenses; use of weapon or threats of death in sex offenses; history of minimization or
10 denial of sex offenses; attitudes that support sexual offending; negative attitude toward
11 intervention; and lack of realistic future plans. *Id.* Overall, the rating derived from structured
12 clinical judgment indicates that Jones has a high likelihood of sexual recidivism. *Id.* at 121.
13 Jones was also scored on the Structured Risk Assessment – Forensic Version (SRA-FV),
14 which is an instrument that assesses dynamic risk factors that may predispose a person to
15 sexually offend. *Id.* Jones received elevated scores on all three domains of the instrument:
16 Sexual Interests, Relational Style, and Self-Management. *Id.* at 121-22.

17 Dr. Hoberman concluded that all of the various risk assessment methods he considered
18 indicate that Jones is likely to reoffend. *Id.* at 122-26. Dr. Hoberman opined, to a reasonable
19 degree of psychological certainty, that Jones' mental abnormality and personality disorder
20 make him likely to engage in predatory acts of sexual violence if not confined in a secure
21 facility. *Id.* at 126

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1 The Respondent is due to be released to the community on February 13, 2013.

2 Under penalty of perjury under the laws of the State of Washington, I certify that the
3 foregoing is true and correct to the best of my knowledge.

4 RESPECTFULLY SUBMITTED this 11th day of February, 2013.

5 ROBERT W. FERGUSON
6 Attorney General

7 

8 KRISTIE BARHAM, WSBA # 32764
9 Assistant Attorney General
10 Attorneys for State of Washington

EXHIBIT A

BETWEEN THE COLORED PIECES OF PAPER
IS A FORENSIC PSYCHOLOGICAL EVALUATION
COMPLETED FOR POSSIBLE CIVIL COMMITMENT UNDER
RCW 71.09.

THIS EVALUATION MAY CONTAIN INFORMATION THAT IS
EXEMPT FROM PUBLIC DISCLOSURE. PRIOR TO FURTHER
DISSEMINATION OF THIS EVALUATION, CONTACT THE
DEPARTMENT OF CORRECTIONS, END OF SENTENCE REVIEW
CORRECTIONAL RECORDS SUPERVISOR.

HARRY M. HOBERMAN, Ph.D., L.P.

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(952) 936-9340 (fax)

Independent Forensic Psychological Evaluation:
James Edward Jones

Basis for Referral and Methods of Data Collection:

As a member of the Joint Forensic Unit, I was assigned by the End of Sentence Review Committee to provide a report, from a psychological-psychiatric perspective, for the purpose of offering an opinion as to whether James Edward Jones (DOB: 11/11/51) is characterized by the elements described by Washington Ch. 71.09 RCW as constituting a sexually violent predator.

In 1/13, I received and later reviewed various records provided by the Washington Attorney General's Office (WAGO) pertaining to Mr. Jones: These records were primarily from the following facilities and agencies: the Washington Department of Corrections (WDOC); and District Court, Community Corrections and Law Enforcement files from Spokane, Yakima, and Grant Counties. These records were Bates stamped 0000 to 2855.

In 1/13, Mr. Jones was placed at the Airway Heights Correctional Center (AHCC). This evaluator requested to conduct a direct evaluation with Mr. Jones. It is my understanding that Mr. Jones was approached by his counselor and that he signed an informed consent form indicating his willingness to participate in a Forensic Psychological Evaluation; this signed form was scanned and sent to me. Consequently, I scheduled a direct or face-to-face evaluation with Mr. Jones. At the time of the evaluation at AHCC, I reviewed the evaluation consent form with Mr. Jones and he again signed the consent form. He was informed of a number of points: 1) the purpose of the evaluation; 2) the potential consequences to him as a result of his participation; 3) that this was a forensic evaluation and that any

information that he provided might be available to the Court via my report or potential testimony; 4) that he had the right to refuse to participate in the evaluation in its totality; and 5) that if he refuse to participate in the direct evaluation, that a report would be prepared based on solely the records. The subject was also told that he could provide me with any and all materials that were felt to be relevant for my consideration of the issues at hand. Mr. Jones indicated that he understood these issues and provided knowing consent to participate in the evaluation with the aforementioned exception. On 1/28/13 I administered psychological testing to Mr. Jones. I began interviewing Mr. Jones later that day. I returned on 1/29/13 to continue and complete the interviews. I spent approximately 11 hours in direct structured and unstructured interviews and/or testing time with Mr. Jones on those dates.

Statutory Definition of Sexually Violent Predator:

Chapter Ch. 71.09 RCW defines a "Sexually Violent Predator" as "any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility." Mental abnormality means "a congenital or acquired condition affecting the emotional or volitional capacity of a person and predisposing that person to the commission of criminal sexual acts in a degree constituting such a person a menace to the health and safety of others." A Personality Disorder means "an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment." "Likely to engage in predatory acts of sexual violence" means that the person "more probably than not" will engage in such acts if released unconditionally from detention on the sexually violent predator petition. "Predatory" means acts directed towards: a) strangers; b) individuals with whom a relationship has been established or promoted for the primary purposes of victimization; or c) persons of casual acquaintance with whom no substantial personal relationship exists.

Synopsis:

Mr. Jones has been charged with a number of sexual offenses or sexually-related offenses over a period of 25 years. He has been convicted of several sexual offenses during a similar period of time.

Mr. Jones was arrested for Rape-1st Degree in 6/86 against an adult female; charges were dropped. In 6/90, Mr. Jones was arrested for Rape-Force and Kidnapping of a 14 year-old girl in California; these charges resulted in a revocation of parole and incarceration. In 3/92, Mr. Jones was arrested for Rape-1st Degree of an adult woman; however, the case was dropped. In 8/96, Mr. Jones was arrested and charged with two counts of Rape-2nd Degree and Unlawful Imprisonment. In 5/97, a jury convicted Mr. Jones of all three counts. After a length incarceration, the subject was released from the WDOC in 12/10. In 9/11, he was arrested for Rape-1st degree and Unlawful Imprisonment. In 11/12, Mr. Jones pleaded guilty to Assault-3rd Degree.

Mr. Jones is a person who has been charged with and convicted of crimes of sexual violence. It is my opinion, to a reasonable degree of psychological certainty, that he is characterized by a "mental abnormality" and a personality disorder. It is this evaluator's opinion that the available evidence indicates that Mr. Jones "mental abnormality" is **Paraphilia NOS (Coercive/Non-Consent)** and he is also characterized by an **Anti-Social Personality Disorder** or **Psychopathy**. These are congenital or acquired conditions affecting the volitional or volitional capacity of Mr. Jones; these conditions are each associated with serious difficulty in controlling his behavior and they each predispose him to the commission of criminal sexual acts in a degree constituting him a menace to the health and safety of others. Further, it is this evaluator's opinion that Mr. Jones' mental abnormality and personality disorder/psychopathy make him "more probable than not" to engage in future sex offenses if not confined in a secure facility.

Five actuarial risk measures for sex offenders (scored based upon characteristics of Mr. Jones) indicate that he has the characteristics of a person who more probably than not will engage in future sex offenses if released unconditionally from detention. Other approaches to risk assessment also indicate that Mr. Jones is a person who is more probable than not to engage in future sex offenses if released unconditionally from detention. Mr. Jones is an older sex offender and this factor can be associated with some decrease in risk for select sex offenders. However,

risk assessment that takes into account the respondent's age continues to identify his risk of future sex offenses as more probable than not. Further, little evidence suggests significant changes in Mr. Jones' personality or sexual behavior as a function of time. Consequently, Mr. Jones continues to be a person with sets of psychological characteristics or conditions which predispose him to the commission of criminal sexual acts in a degree constituting him a menace to the health and safety of others and who continues to have the characteristics of a person who "more probably than not" will engage in predatory acts of sexual violence, if released unconditionally from detention and not confined in a secure facility.

Background Material:

Personal History:

James Edward Jones (DOB: 11/11/51; age 61) was born and raised in Grand Coulee, Washington; he was the youngest of three brothers. The subject lived with his parents until he was married at age 18. His father worked as a junk collector, while his mother was typically employed as a maid in motels. Per an intake form completed by Mr. Jones' mother in 6/75, she reported "His father drank." She also reported that lack of money was a problem for the family. In addition, she reported that the subject got along well with both she and his father. There was an approximate 25 year age difference between Mr. Jones' father and his mother. Both parents worked but "marginal existence" economically. (340) Both of Mr. Jones parents are deceased. His father had died by 6/75 (e.g. 475), while his mother passed away in 2006 while Mr. Jones was incarcerated.

Records indicate that Mr. Jones has consistently identified his family of origin as close and himself as a member of Jehovah's Witness and that he was a member of a church through the recent past. (e.g., 75,1380, 1421) In 1975, Mr. Jones wrote: "Oh I was raised in a fairly well brought up home. My father was severely strict and we (brothers) had to work, really work hard! Our family has always been very close though." (1376) in 2/85, it was noted: "With regards to his upbringing, he said his family was loving, but very religious (Jehovah Witnesses)." Per a Pre-Sentence Investigation (PSI) from 6/97: "Mr. Jones reported the he was raised in a middle class working family who were very close-and had strong religious beliefs. Mr. Jones extended family consists of his mother" and two older brothers who he said

are all aware of his current offense and are supportive of him. Mr. Jones denied every suffering any physical or sexual abuse while growing up as a child." (904)

Per records, the subject had two brothers, Michael and John and no sisters. Both of his brothers apparently have criminal records; Michael was convicted for selling drugs in 1975 with the subject. In the current interview, Mr. Jones reported that his brother John was currently incarcerated in California for sexual contact with a minor.

In the current interview, Mr. Jones reported: "I was born in Grand Coulee, 90 miles from the border" and that he was raised there as well. He identified his father and mother as Arthur and Rebecca Jones. He reported that his father was substantially older than his mother; he identified that his father was from California and his mother was from Louisiana. He was not sure how his parents met. According to Mr. Jones his father originally worked on dam and then later was a "junkyard dog," selling scrap metal and various other things that he collected from others.

Relative to his childhood, Mr. Jones stated: "It was not always good times for my family. There was not always good food on the table... Both my parents were Jehovah's Witness. My mother wasn't going to have no mess." He described his relationship with his mother as "Very close. I loved her like nobody could. I cleaved close to her. She was very strong woman, who believed in her way. She believed in right and wrong. She was very outspoken, but very kind. She was not abusive or harsh but she whipped my behind when I was young." He described his relationship with his father, stating: "I loved him when I was old enough to know what love was. I had a lesser understanding of him when I was young. He was born in 1902. I had a fear of him. He was aggressive and very strict. If you disappointed him, he would whip us with anything he could get his hands on, a belt, a whip, a piece of board.

Regarding his brothers, in the current interview, Mr. Jones indicated: "I got along good with them, they were good to me. Better with John. Mike was more worldly, more wild, more my father. I followed his lead...Later, I realized my animosity toward my brothers was based on my spending so much time behind bars. I kept looking for them to help me out and I was

angry for them saying 'no.' I wanted to blame them for my problems but at my age, you begin to realize it's what you did."

Asked what life was like growing up for him, Mr. Jones replied: "It was not as difficult as most, but somewhat difficult. In totality, it was a hardship. It was difficult because of where we grew up. I didn't get to do things with peers... You went to school, got your lessons, but when you were done with school, you had work to do and no time to play. You would come home, you would do your chores. You had to make sure your house details were done, whatever those were: dishes, yard work, water the fruit trees, wash clothes. We weren't at liberty to do the things that typical kids would do but sometimes we would even risk getting a licking..."

Per an Intake in 1975 at age 23, Mr. Jones reported that he attended elementary school in Grand Coulee for 1st-8th grade. He reported that he attended high school in that town, for 9-11th grade but that he left school when he got married in 1969. He wrote that he and his brothers used to play "movie" together with another friend and that he was in school plays, "But eventually one of the players left for the 'service.' I've been going, not steady, but down since then!" (1376) In 6/75, it was noted that Mr. Jones' "grades through school were marginal and barely passing." In addition he reported that "had there not been economic and marital problems he probably still would be in the auto mechanics course DVR secured for him in Spokane." (341-2) In 1975, he also reported that he attended Spokane Community College for auto mechanics from March-June for a total of three months. At that time, he was reporting that he had already obtained his GED at age 18. Mr. Jones reported that he had had contact with Vocational Rehabilitation. (1375) Per a Pre-Sentence Investigation (PSI) from 1975, it was reported: "Jones attended the 11th grade with marginal performance and low grades and during that year he quit school because he didn't like it. The PSI of 7-28-72 indicates that he did acquire a GED certificate. In March of 1974 he began a two-year program in auto mechanics in Spokane under the auspices of DVR, but attended only the spring quarter. He indicates a desire to continue working in the field of mechanics of some sort." (340) That same year, Mr. Jones' mother reported that he was "moderately" truant from high school but believed that he completed 12th grade. She also indicated that he did "good" in school. Typically, Mr. Jones has told authorities that he had completed the 12th grade and two years of college education. (e.g. 1470, 1482) However, other records indicate that Mr. Jones "attended the

eleventh grade with marginal performance and low grades. During that year, he quit school because, according to him, he didn't like it."

In the current interview, Mr. Jones reported that he attended the same school for 1st through 8th grade. He described his experiences as positive and himself as "A little shy. Quiet. A calm kid. I was raised in a Christian atmosphere...I had fun in school. The learning process was kind to me." The subject reported that he had to repeat the second grade because of a tonsillectomy." He denied any fights or significant behavioral problems related to school. Relative to his high school years, Mr. Jones stated: "I didn't mind it, I didn't have problems, I just had other outside influences. I was into sports, basketball from 9th grade...When I was a junior, I went to school all that time. In 11th grade, suddenly I wasn't interested. I have never been able to put my finger on it. I started smoking cigarettes, had a car, marijuana came into my life...In the 11th grade, it was early, probably in fall, I quit school. That got my mother worried because my brothers had both graduated." The subject indicated that "It was probably my sophomore year that I started skipping school and dropped out of sports. I don't know why."

Per a PSI from 7/72 (noted in later records in 3/74), "he began a two-year program in auto mechanics in Spokane under the auspices of DVR, but attended only the spring quarter." (2228) Per a summary from 5/75, it was noted that Mr. Jones had completed the 11th grade, attained a GED and had attended vocational training until 3/73 sponsored by the DVR but not received a vocational certificate. (337) In 6/75, he reported that "had there not been economic and marital problems he probably still would be in the auto mechanics course DVR secured for him in Spokane." (341-2) Similarly, it was noted that Mr. Jones had reported that he had acquired his GED by 1976 and that he had been involved in a program of Auto Mechanics provided for by the DVR but attended "only Spring Quarter of this two year program." (1928) However, in 4/88, he reported that he had spent 24 months in auto mechanics vocational courses. (1397) Per a Pre-Sentence Investigation (PSI) from 6/97: "Mr. Jones reported that he graduated from high school and attended two years at Spokane Community College where he was learning the auto-mechanics trade and since completing since completing the two year program has not received any further education." (904)

Regarding employment, Mr. Jones' mother reported in 1975 that he got jobs

“but wouldn’t stay on it!” (1365) In 2/93, Mr. Jones claimed that he had worked 8 years as an auto mechanic, 3 years as a janitor, and 3 years as in road construction. (1411) Per a Pre-Sentence Investigation (PSI) from 6/97: “Mr. Jones reported that he has held a number of jobs in the car tire service industry working as a tire, buster, selling tires and also worked highway maintenance for the Bureau of Reclamation. Mr. Jones stated that his longest period of employment was a number of years ago when he worked construction on the Grand Coulee Dam which/lasted approximately six years. The last reported employment Mr. Jones had was with Big Bubba's Custom Tire where he was employed up until his arrest in 1996.” In 1995, while in the WDOC, he claimed that he had worked for three years as a kitchen assistant at a hotel in Spokane. (e.g. 1494) In 11/97, he reported working seven years changing tires and then five years at auto mechanics and tire changing at one place and three years at another site. He also reported approximately twelve years as a janitor. (1415) Per a Pre-Sentence Investigation (PSI) from 6/97: “Mr. Jones reported that he and his wife lived off GAU Assistance and his income when he was employed.” (904) However, these accounts by Mr. Jones seem improbable given his criminal and incarceration record; he had very little sustained time in the community.

In the current interview, Mr. Jones indicated that since he was young, his father had expected that he and his brothers would work for him or around the home when they returned from school. The subject reported that when he left school, he went to work. He indicated that during both of the summers after his freshmen and sophomore years, “I was working on summer job program from the Bureau of Reclamation. They put me to work when I left school. I worked for them maybe a year, then I went to work for a neighbor, the Night and Day Steel Supply, they were my father’s main competitor. They had a real junkyard.” Mr. Jones reported that his longest job was for J and H Tires and Wheels from “’78 to ‘80,” and for Purdy Boys, “That was before ‘87-‘89, another 3-4 years.” Per his report, the subject was employed primarily as a tire installer and auto mechanic. According to the subject, he was a good worker and his bosses were typically satisfied with his work. Relative to quitting, Mr. Jones’ account was “By time I went to jail, I either quit or I was on my way out the door. It was usually my own choice when it came to quitting a job.” He claimed that he had never been fired from a job but stated that he had left a number of jobs, saying “I quit just to do nothing.”

In the current interview, Mr. Jones acknowledged that he had often relied on others for financial support. He reported that he had been on social assistance or government benefits: "Several times, for long periods...General assistance, food stamps." He denied ever collecting Unemployment Insurance." However, he reported that he was often supported by family members, stating: "Through a lot of my marriage time I was supported by my wife, through all four marriages." He indicated he often relied on others for support, including: "My wives and my mother -she was my backbone on streets and in prison." Mr. Jones claimed that he never had financial problems or debt, but also reported that bills were rarely in his name: "I've only had a telephone bill. I never paid rent or bought furniture. I paid cash for cars. I had the means to get myself buy...Up to today, I've never paid rent or paid my own bills or did my own laundry, even when I was married. I've helped." Per his account, in the past, he has owed child support and the WDOC would deduct money from his earnings.

In the current interview, Mr. Jones was asked about his experiences with the military and draft. He indicated that he had registered for draft, but that as a Jehovah's Witness, "we stand neutral for wars." He indicated that he was not drafted because of "My colorblindness and that I was a conscientious objector by my religion."

Per a Pre-Sentence Investigation (PSI) from 6/97: "When I talked with Mr. Jones about his companions he reported having a number of friends he associates with who he claims to be clean and sober and not involved in the Criminal Justice System. Mr. Jones also reported that the majority of the people he associates with are individuals who abuse drugs and alcohol and live a very dysfunctional life style. Mr. Jones believes that his association with these individuals is the reason for his criminal behavior and for being arrested for committing crimes he claims he did not commit." (904) In the current interview, Mr. Jones reported that he had many friends as a child and teenager, but no close friends as an adult.

In 1975, Mr. Jones reported that he got married at 18 and that was "too soon," that they had a son Jessie (born apparently in 1972) but that he no longer loved his wife Sherry "as a wife." (1377) Records indicate that the subject was married to Sherry in 12/69 but was divorced in 8/74. (1378) In a 1975 intake, his first wife reported that Mr. Jones did not work regularly during their marriage and did not support his family. Rather, she indicated that Mr. Jones was never home, was in and out of jail, drank excessively

with others and alone, and used illicit drugs. (1362-3) In 1975, in reference to S. Brown Jones, Mr. Jones' first wife, his mother reported that "His wife never satisfied no matter what he tried (sic) to do. Got along with child find. (sic). (1365) He later reported in 1981 that he had married Karen Jones in 1978 but that he stopped living with her that same year and was divorced. (1389) In 1982, it was noted that Mr. Jones was divorced from S. Brown (with whom he had had a son, Jessie) and married to K. Enholm in 1978 in Idaho, with whom he had a daughter (then age 3). (1389) He was obliged to pay \$110 to each child every month. (2229) Both in 1975 and in 1981, the subject reported that he had never been in a common law relationship. (1389) Per a Pre-Sentence Investigation (PSI) from 6/97: "Mr. Jones reported that he has been married four times and fathered four children. His first marriage lasted approximately six years and resulted in the birth of his oldest son who is now 25 years of age. His second marriage lasted one year and his wife gave birth to their daughter who is now 17 years of age. Mr. Jones third marriage lasted five years and out of this marriage two boys were born who are now 13 and 11 years of age...Mr. Jones reported that he is currently married to Pam Jones and this marriage has lasted approximately two years, however, he feels the marriage will dissolve when he returns to prison. When Mr. Jones was asked about the failed marriages he stated that each time it was the result of him being incarcerated." (904) In 2006, records indicate numerous phone calls from Pamela Jones regarding the death of the subject's mother. (e.g. 1340-5)

In the current interview, Mr. Jones confirmed that he had been married on four occasions. He indicated that he had his first wife, Sherry Brown, in Spokane after he had left school. He stated "I met her hanging out with other kids, drinking beer, smoking joints. We started dating and we got married after knowing each other for short time. JJ was born in '72...We lived together for ½ the time we were married." He eventually agreed that he was probably married in 1969 and divorced in 1974. The subject believed that he married Karen Enholm in approximately 1978 and had one daughter together. Mr. Jones thought that they were likely married until 1980 and that he was in and out prison during that time. In 1985, the subject thought that he married Cheryl Watkins while he was on work release and that she divorced him after three years when he was in the county jail. He said that he was in and out of custody during this marriage but that he believed that he really loved Cheryl. He stated that two sons were born during their marriage but that "I had questions as to whether Emanuel is mine, but I accept him as mine." Mr. Jones identified his fourth wife as Pamela Williams. He thought

that they were married in 12/95; he stated "She passed away in '98...I was in prison when she died. She did not leave me but I never saw her after '96." Thus, despite the records of phone calls from Pamela Jones at the time of his mother's death, the subject reported that she had died some eight years earlier. Mr. Jones reported that other than his wives, he never lived with a woman for any significant period of time. He stated: "After my first marriage was when all my walls fell down. He recalled that he had lived with each of his wives for six months and only Cheryl and Karen for a two year period. According to Mr. Jones, he has had minimal contact with all of his children, all of whom are now adults; he reported that he keeps track of each of them and saw all of them when after he was released in 2010. He reported that he has had no contact with any of his children since his last parole violation in 2011.

During an Intake interview in 1975 at entry to the WDOC, Mr. Jones said that he drank alcohol by age 19 and had used marijuana and cocaine. (1377) In 1981, at intake to the WDOC, Mr. Jones denied that he had an alcohol problem but admitted to using "pot." (1386) Yet on an initial medical intake in 7/8, he only admitted to using alcohol and denied use of all listed drugs. (2750) In 12/92, at WDOC Intake, he reported that he was age 19 when he first began using alcohol and age 30 when he first began using drugs. The subject indicated using both marijuana and cocaine. He denied that he currently had either an alcohol or drug problem. (1399) In 1985, Mr. Jones reported that he began drinking at age 20 (e.g. 1971-2) but reported that his highest rate of use was a case of beer per week (e.g. approximately three cans per day); he also reported use of marijuana starting at age 19 and regular use. (2237) Per a Pre-Sentence Investigation (PSI) from 6/97: "When I asked Mr. Jones about his history of alcohol and drug abuse he reported that he has used or experimented with every drug imaginable with the exception of Heroin. When Mr. Jones was asked about the frequency of usage he stated that he was simply a recreational user of controlled substances and did not feel that he had any serious drug habit, however, during my discussion with Mr. Jones about his prior criminal history he admitted that his behavior was usually the result of using drugs or alcohol or being in the presence of individuals who were using. When I questioned Mr. Jones about his alcohol consumption he again stated that he did not feel he had an alcohol problem and was simply a social drinker who enjoyed having a beer now and then. When asked about his frequency of socially drinking he informed me that he consumes approximately a case of beer once per month...Based on the

Information that I have received regarding Mr. Jones behavior it appears as though he is in denial about the frequency of his drug and alcohol usage as well as the amount he consumes." (904)

In the current interview, Mr. Jones reported that his first use of alcohol: "It was probably when I was young. I started drinking when I was around 16 but it was not frequent until I was older. I'm a beer drinker -if I was let out today, I would be drinking beer by tonight and I would drink every day. It wasn't until I was in my 20s, that it was like that." Mr. Jones reported that he had had only "a few" periods in his life where he believed that he was a "heavy drinker," stating: "I drank regularly, but not every day. If I would do something, it would be drink beer." The subject reported that he first used a drug, marijuana, when he was age 17. However, he reported that this was "less of a trait," than his use of alcohol, stating: "If I was out, I would probably smoke marijuana. If someone had some, I'd use it. It's not that I would go out right away and get some." Relative to his previous report of using many drugs, Mr. Jones reported: "I used cocaine for about 1 ½ years, then I went to prison and I never went back to it. That was like early '94-'96. I believe I've tried almost every drug but only really used alcohol, marijuana and cocaine."

In the current interview, Mr. Jones was asked "In what ways did drug or alcohol use get you into trouble?" He replied: "In the past, I think I was somewhat defensive when I said that alcohol and drugs didn't get me into trouble but it's true that I was using alcohol or drugs. When I committed a crime, I was using, so the alcohol and drugs did get me into trouble but just because I used I wouldn't commit a crime...It was bad choices, I don't blame it on alcohol."

WDOC records indicate that Mr. Jones has intermittently reported feeling and that in 1981 he was directed to evaluation and treatment due to that depression. His depression apparently was exacerbated around that time; (2717) in 7/81, he reported that he had been depressed and suicide precautions were noted. (2818) In 1982, it is noted that he was being seen by a psychiatrist and had a history of Major Depressive Disorder. (2782-3) Mr. Jones has historically denied suicidal behavior or history of assaultive behavior. In the current interview, Mr. Jones stated that he had felt depressed

-“felt like giving up”- but had never had suicidal ideation or engaged in suicidal behavior.

Medically, per an Intake from 1/75, Mr. Jones indicated that he had frequent severe headaches and dizziness, as well as Gonorrhoea and another venereal disease. He also was reported to have a “Nervous Condition.” At that time, he was also noted to have extensive tooth decay. (e.g. 2553) In 1981, he again reported headaches for the past 10 years; he reported a head injury from 1979. (2768) However, a CAT scan from 1979 was negative for abnormalities. (2787) He has a history of hand fracture and episodes of lower back discomfort. More recently, WDOC records indicate that Mr. Jones has hepatitis C and AB, Gastric Reflux and Chronic Obstructive Pulmonary Disease (COPD). (2463) In 2007, he was being prescribed nitroglycerin PRN for chest pain. (e.g., 2566) Available records do not indicate any acute medical problems

Mr. Jones has consistently denied any experiences of sexual or emotional abuse. He has varied in his reports of physical abuse. As late as the 6/97 PSI, Mr. Jones reported that he had not experienced either physical or sexual abuse while growing up as a child (904). Per a Chronos, he told WDOC staff “about his past and the abuse he went through as a child with his father.” (1348) In the current interview, Mr. Jones acknowledged that he had come to view his father’s behavior as constituting physical abuse. “I think he was [abusive]. Growing up, I suppressed the idea that it was abuse.”

Nature of Charged or Officially Reported Sexual Offenses:

Mr. Jones was first detected for a sexual offense on 6/30/86 when he was arrested by Spokane Police Sheriff’s Department (SPD) for Rape-1st Degree. (425) Per a SPD report, they responded “to contact a rape victim,” CD (age 36). CD “said that a black male named Jimmy Jones raped her and left the scene in a blue over gold Buick;” she provided the police a partial license plate. She told police that she was told the name of her assailant by his neighbors from whom she had called the police. CD told police that she had been at a bar but when she walked outside to her car, she found that three of her tires had been slashed and were flat. At this time, her alleged assailant drove up to her, asked if she needed help and then offered to get her three tires. (426-7) He drove her to a trailer and asked her to come in and talk with him. She went into the trailer at which time her assailant “chained

the door shut" and after talking for a few minutes, stated "I am going to make love to you." Per CD, she told him "no" and asked him "Why are you doing this to me." She reported Mr. Jones then placed his hands around her neck, choking her and then told her "If you scream I am going to kill you." She indicated that he dragged her to the rear of the trailer, threw her on the bed and pulled her pants off. In addition, she reported that he put his hands around her throat, choking her and stated "If you don't do what I say, I'm going to kill you." According to CD, Mr. Jones penetrated her vagina with his penis several times while lying on top of her. In addition, she told police that the sexual assault lasted for several hours and that during this time Mr. Jones placed both a kitchen knife and a potato peeler up to her throat and said "if you don't do what I say, I will kill you the next time." CD told police that eventually Mr. Jones got off of her, put his pants on, unchained the door and said: "I give up on you." It was at this point, she reported, that she left the trailer ran up the street to the neighbor's house and called the police. The SPD indicated that they took CD to the Deaconess medical Center for a rape of valuation. (427-8). The SPD they took photos of the victim's car and punctured tires as well as pictures of the victim that showed bruising that she had suffered. (436)

The SPD found Mr. Jones at his mother's home, seated in a vehicle. He told police that he had been to a bar earlier in the evening and then been asleep at his mother's ever since. Mr. Jones "denied any involvement in a sexual assault." The SPD arrested and booked Mr. Jones on Rape-1st Degree and Unlawful Imprisonment. (429) He was later charged with Rape-1st Degree.

Early in 7/86, CD participated in a lineup at the police station. However she did not identify Mr. Jones as her assailant but rather another person in the lineup. Consequently the prosecutor decided that the rape and first-degree charge will be dropped on Mr. Jones. (438)

According to a 6/97 Pre-Sentence Investigation (PSI), when asked about this alleged sexual offense, "Mr. Jones...stated that because he associates with women who abuse drugs and alcohol and have other problems they have made allegations accusing him of raping them." (05)

In the current interview, Mr. Jones was asked about this incident. At first, he stated: "I don't remember." However, when the police report was reviewed with him, he then stated: "That was one of those bogus ones...She came into a bar I was in and asked for help with her tires. We ended up sitting at the

bar, drinking beer. She ended up coming to my trailer at my brother's trailer. She had consensual sex with me. For some reason, she had a need to lie, she went to the police apparently yes." The subject acknowledged that "I did deny having sex when the police initially talked to me...I never heard what happened to the case." I reviewed the police records regarding the 1986 incident with Mr. Jones; he reported that he never heard that account before and stated: "I never did anything like that...When I was put in jail, the next day I was put in a lineup. More than once. The woman did not identify me."

Mr. Jones was next detected for sexual offense in 1990. On 6/7/90, Mr. Jones, using his brother's name "Johnny Earl Jones," was arrested in Sacramento, California. The crime report indicates that was arrested for Rape-Force and Kidnapping of MG (age 14). Per the report, MG indicated that Mr. Jones was responsible for raping her four days earlier in Washington State and then transporting her to California and that this was the first time she was able to get away and call for help. MG provided the following statement: "I ran away from home on Sunday with James Jones. We drove from Spokane to Grand Coulee and camped for the night. We were both in the back of James station wagon when he started to force his self on me. I tried to tell him I didn't want any part of that action, but James insisted that the sex was part of the deal...I tried to fight him off but he grabbed both my arms and held me down. James had been drinking and forced his penis into me. I can't say how long the act lasted but James insisted that I knew we were to have sex together when we last spoke." (415) MG reported that Mr. James had been her mother's live in boyfriend "up until two weeks ago." (416)

In 9/96, during the investigation of a subsequent sexual offense by Mr. Jones, records indicate that SPD received a call from a WDOC Community Corrections Officer (CCO). The CCO indicated that she had been the subject's parole officer and provided information related to the sexual assault of MG. SPD contacted MG and met with her. The alleged victim stated that she had known Jones since she was 8 years old. MG told police that in 1990 she was having trouble with her mother and talked with Mr. Jones about running away. MG indicated: "...he had told her to come on with him, that they would go get some drugs, smoke them, and that then things would be different." She reported that they went to Grant County near Grand Coulee. According to MG, "...it was starting to get dark, and that JAMES JONES had been drinking

from a brown paper bag. She assumed it was liquor because he did smell of alcohol. She said that while in the car, parked out in the country, he grabbed her and threw her in the back where mattress had been laid, then removed her clothing against her will and raped her. She stated that when they woke up the next day, she said to him, 'what you did to me was wrong', and he said, 'I know.' " MG reported that they drove to California during the next day and a half but that she was afraid to leave him because "...she was afraid he was going to hurt her... She overheard JAMES JONES talking to another black male, who he just bought drugs from reference selling [MG] to him and forcing her to work on the streets of Sacramento." MG reported that while Mr. Jones was asleep she got up went to a gas station and called police. (1007)

In the current interview, Mr. Jones acknowledged: "I did have sex with her" but then stated "Come on, it's obvious what happened right? First of all she had plenty of opportunities to run off. I was dating her mother, me and she got interested in each other. We ran off together. I was still seeing her mother. We went from Spokane to Sacramento. We went thru Grand Coulee...It's incredible what people would say. It's not true. What's true is that I had sex with an underage girl. Why would I even have to do that [rape her] if she run off with me?...Why did she go police? Good question but I don't have an answer. I know things weren't going well for us on our trip, we were selling things we had in the vehicle to get gas and food money... Maybe she realized this guy's a nut. But the idea that I was forcing her, holding her arms, that's unbelievable...I remember the disciplinary hearing; I admitted that I had sex with her."

Mr. Jones was next detected for sexual offense on 3/6/92. Per an SP the report, law enforcement responded to Deaconess Hospital in regards to a sexual assault. Two individuals reported that they saw JC (age 31) running toward them on the street and that "she was extremely hysterical and was rambling on about being raped. They drove her to the house with the rape had occurred in order to get the address. They then drove her to the hospital. (498) JC told the police that she admit a black male named "JJ" downtown and that they went to a garage converted to a house in order to "get stoned." (498) JC reported that at this location JJ started a fire in the wood stove and then attempted to "put a move" on JC by kissing her on the face and lips. Per JC, she resisted his efforts and told him "I don't want to be here. Take me back." JC reported that JJ "freaked out" and grabbed her by the hair and that

he told her that she was not leaving and threw her to the floor next to the stove. According to JC, Mr. Jones stated "I'm stronger than you, I'll break your neck." JC reported that she and Mr. Jones continued to struggle and that she asked him to get off of her. She also reported that he stated "I'm going to knock you out bitch, if you don't shut up" and then hit her head on the floor until she lost consciousness. Per JC, she woke up and was laying on the couch and JJ was on top of her with no clothes on. She reported that she did not have any pants or panties on and that Mr. Jones was penetrating her vagina with his penis. She reported that she saw blood coming from a needle in her arm in the syringe on the table. She reported that she began to struggle and knocked over a television set breaking it. She reported that Mr. Jones refused to get off her and stated "I'll do you in bitch, lay still." JC reported that Mr. Jones at this time was unable to maintain an erection and ordered her to fondle him but she refused. She reported that he rubbed himself against her in an attempt to arouse himself. According to JC, Mr. Jones mother came to the door and knocked. At that point, JC began screaming "to be let go" and asked Mr. Jones mother to give her a ride home. (499, 515)

According to law enforcement, after interviewing JC, lease went to the address provided by JC initially spoke with Mr. Jones mother Rebecca. She reported that she did not see her son for several days and denied seeing JC. Mr. Jones was found "hiding in a corner of the bedroom" in his mother's house. Mr. Jones told police that "He was hiding because 'He knew what that bitch was going to do.' " According to Mr. Jones, JC agreed to have sex with him exchange for drugs. He claimed that they had had consensual sexual intercourse and that he gave JC \$50. Per Mr. Jones, JC "went off" when she saw his mother. Police searched the converted garage and found a gold necklace with a broken class next to the wood stove. Ms. Jones, Mr. Jones mother, told police that she did give JC ride and that JC "did seem a little anxious." However Ms. Jones refused to answer additional questions. Police arrested and transported Mr. Jones to jail. (500) It was noted that Mr. Jones had a 1/2 inch scratch over his left eye and blown on one of his fingernails. (505) Per an Affidavit of Probable Cause, Mr. Jones was charged with Rape 1st-Degree. (510) A friend of JC's reported to police that she and JC had been drinking in a bar and, upon leaving the bar, Mr. Jones pulled up in his car and asked JC if she wanted to "go smoke a bowl (marijuana)." The friend reported that she was a "little concerned" when JC left with Mr. Jones so she wrote his license plate down. She did not think that JC was drunk at the time although they had consumed four beers over

several hours. (512) When police spoke with the two females that had brought JC to the police station, they indicated that at the time of their contact with her, "her mouth was bloody." In addition, police reports indicated that, at the time of a later interview, "...there was a considerable amount of bruising on her legs, hips, back and shoulders hand her head, including some bumps." (517)

Subsequent police records indicate that JC had a history with the SPD including arrests for DWI, theft and obstructing an officer. In addition in 11/91 she had reportedly been out drinking and using cocaine and subsequently became assaultive abusive and was hospitalized. (512) In addition police records indicate that JC had reported to her current boyfriend for an assault against her in 2/92 but later told police that she had lied about everything in the report and charges against her boyfriend were dropped. (513) When police later interviewed JC they asked her whether she had ever been involved with drugs in any way and her first response was that she had not. She also denied that she had ever been "irrational" and taken into custody by police. When confronted with her own police records, she acknowledged that she had "been on a cocaine and alcohol binge" at the time she'd been taken to the hospital. (513) At the time of this later interview, JC told police that she did not see any drugs or drug paraphernalia at the time of her assault, which was a contradiction to what she told police at the time of their initial contact with her. Later in the interview she did report that she had found out from the hospital that there was cocaine in her system and admitted: "...she'd been drinking quite a bit and was somewhat intoxicated." (516) Police subsequently had JC participate in a polygraph and the results of her responses to specific questions about the alleged assault indicated deception. (518) SPD records indicated that subsequent to the polygraph, it was indicated "... no criminal charges would be filed against James E Jones and at this point the case will be suspended." At that time, although Mr. Jones has been arrested in this case, he was released from custody and no request for formal charges was to be made at that time. (520)

As noted, according to a 6/97 Pre-Sentence Investigation (PSI), when asked about this alleged sexual offense, "Mr. Jones...stated that because he associates with women who abuse drugs and alcohol and have other problems they have made allegations accusing him of raping them." (05)

In the current interview, Mr. Jones was about the 1992 arrest for rape. Initially, he stated: "I don't remember anything about being arrested for rape or alleged rape in '92 I don't remember any rape." When the police reports of the incident were reviewed with the subject. He then stated: "Yeah, I remember my mother driving her but I don't remember much else. My mother told me that she intended to take her home but she bailed out of the car. I don't remember the TV falling over." When asked if he did have sex with JC, Mr. Jones stated: "Yes, I did have sex with the woman. The sex was consensual. There was no violence. I was arrested."

Mr. Jones was next detected for sexual offense on 8/9/96; at the time, he had been arrested for a Robbery but was out of jail on a furlough pending resolution of that charge. (1353) JL (age 14) reported to police that the subject sexually assaulted her on the previous day. JL reported that on her way back from a store, she stopped to speak with Mr. Jones and others and that the group later went inside a home to watch TV and to drink. She reported that Mr. Jones asked her to come to the garage behind his mother's house so that he could show her something. She reported that she told him that she had to go home but that he repeated that he wanted to show her something. Per JL, she and Mr. Jones walked to the garage. Once inside the garage, which per her report had been converted into a bedroom, she indicated that Mr. Jones closed the door and placed something in front of it. She reported that she attempted to leave the garage but that she could not open the door. JL told police that Mr. Jones slapped her in the face approximately three times with an open hand and told her 'You are not leaving tonight' and that he was going to 'Kill her.' Per JL, Mr. Jones told her to pull her pants down and she said "No" and that Mr. Jones said: "I don't like the answer no." According to JL, the subject "placed his hands around her neck and start to choke her, and that while he was choking her with his hands, he was telling her to pull her pants down. [JL] continued to say 'no.' JAMES JONES then attempted to remove JL's pants by unbuttoning them or pulling them down. [JL] say that each time that JONES tried this, she would attempt to push his hands away. He would continue to remove her pants at that time and continued to say, 'I don't like the word no.' ... [JL] said that during the struggle, JAMES JONES was able to remove her pants around the floor. [JL] also had her shoes and panties off. She stated that JAMES JONES forced her to the floor face up, and was laying on top of her. She stated that JAMES JONES unzipped his pants and pulled them

down to the knee area. [JL] then said 'he raped me.' I then asked [JL] exactly what she meant by the word rape. [JL] stated, 'He had sex with me.' I asked [JL] if there was any penetration and she stated, yes, that he penetrated her vagina with his penis. [JL] stated that during the intercourse, and the time that James Jones was on top of her, he was holding her hands down and she was also saying, 'No', and telling him that she had to go home. JONES continued to have intercourse with [JL]...I did ask [JL] what happened next and she stated that after JAMES JONES had intercourse with her, he grabbed her by her legs or feet and dragged her into the second round of the garage area. She then said that JAMES JONES used his fingers to penetrate her vagina... She also said that JAMES JONES attempted to force her hands onto his penis. She stated she would pull her hands away and he would continue to force her hands down on top of this penis. JL said that he then raped her a second time...She did say they had intercourse twice... During the second intercourse JL said that she continued to tell JAMES JONES that she had to go home and that she had told him, 'no', and that he was on top of her holding her down on the floor." (974-7) JL reported that she was able to move the object that Mr. Jones had placed in front of the garage door and she ran out of the garage in just her shirt and socks and left her pants, sneakers, backpack and underwear in the garage. She reported that she ran to a friend's house and told her friend what had happened. JL reported that several of her friends went to the garage to look for her clothing and purse but could not find any of her property in the garage. At that time, the police were called via 911 and JL was transported to Deaconess Medical Center rape evaluation. (974-7) When police attempted to search the garage/bedroom, Mr. Jones' brother initially refused to allow such a search but his mother did allow the search. Police found a purse with JL's identification in the garage. (980) They also searched the main house and found what were later identified as JL's sneakers in that house. JL's sweatpants and underwear were never recovered. (981) JL reported that Mr. Jones was drinking prior to the sexual assault and police records indicated that they "could smell alcohol coming from the back seat of the police car" when they transported the subject. (9 81)

The initial complaint from 8/96 all laws in nursing the year you and totally called regulators afternoon filed against Mr. Jones by Spokane County included two counts of Rape-2nd Degree and one count of Unlawful Imprisonment. (874) These remained the counts when Information was filed later that month. (882)

The subject took the matter to trial. On 5/30/97, a jury found him guilty of all three counts: two counts of Rape-2nd Degree (Forcible) and one count of Unlawful Imprisonment. Mr. Jones' Bond was revoked and sentencing was set. (893).

According to the Pre-Sentence Investigation (PSI) from 6/97,

"Mr. Jones informed me that because he was appealing the conviction, he would need to speak with his attorney before discussing the case with me and felt that by talking with me he would only incriminate himself, I informed Mr. Jones that I would give him the opportunity to talk with his attorney and would return the following week to receive any input that he might have... On 7-1-97, I again met with Mr. Jones and he informed me he had not had the opportunity to speak with his attorney, however, he made the decision to provide the court with his version of the offense because he had nothing to hide...Mr. Jones provided me with a three page written statement and also talked to me for approximately two hours regarding his rape conviction as well as three other incidents where he was arrested for rape, but no formal charges were filed...

Mr. Jones informed me that he was completely innocent and felt that the jury convicted him because they simply believed the victims testimony and did not believe him. It was Mr. Jones belief that if the jury would have been more familiar with the law and the rules of evidence they would never have entered a guilty finding...When Mr. Jones was asked what his version of the offense was, he stated that on the evening of August 8, 1996 he was at his mother's residence located at 1210 East Newark in Spokane, Washington and while sitting on the porch he was approached by two individuals he was acquainted with who invited him to a party that was taking place at a residents just down the street. Mr. Jones accompanied the individuals to the residents and as they approached the residence he noticed several people standing in the yard who was consuming alcohol and talking to one another. After joining the group and partying with them for approximately one hour Mr. Jones said he was approached by the victim [JL] who asked him to get her high. Mr. Jones reported that he told the victim he was busy with friends and was not willing to get her high at that time...Mr. Jones stated that the victim left the area and because it was getting dark he accompanied his friends into the

residence where the party continued. After some time had passed he was again approached by the victim who for a second time asked him to take her and get her high. Mr. Jones said he denied the victims request again, however, he did invite the victim and others at the party to his residents to continue the party. Mr. Jones reported that the victim and three other individuals which consisted of two males and one female accompanied him to the garage behind his mother's residents at 1210 East Newark which Mr. Jones referred to as a guest house. This house had no electricity or running water, but apparently had been remodeled and made into a house consisting of a living room, kitchen and bathroom. Once they arrived at the guest house Mr. Jones said they all entered the house and they all used the flame of their cigarette lighters to see and get situated so they could continue consuming alcohol and smoke marijuana...Mr. Jones reported that after approximately one hour of partying in the guest house he told the victim and the others he was going to the main house to check on the welfare of his children who were spending the night with him. Mr. Jones said that the victim, who had been dating his son told him that she did not want him to tell his son that she was in the guest house with him and the others consuming alcohol and smoking marijuana...Mr. Jones then left the guest house and reported that he went to the main house where he checked on his children, watched TV and ate dinner. After approximately 45 minutes Mr. Jones said he returned to the guest house and found that the victim and the other individuals had left. When Mr. Jones entered the guest house he reported that he tripped over something on the floor and discovered that it was a pair of tennis shoes that belonged to the victim which he took with him back to the main residents and placed them under the chair. At that point Mr. Jones said he went to sleep and was awoken on the morning of August 9, 1996 by the police who informed him he was under arrest for raping [JL]...While talking to Mr. Jones he continued to insist said he was innocent of the crime and that he was never physically alone with the victim [JL]. Mr. Jones stated that the only thing he was guilty of was providing alcohol and drugs to a minor...Mr. Jones also said that a person who rapes women would have to be violent, confused and demented to commit such an act and that even though he is mixed up, confused and living the life style he was living he would not intentionally rape anyone but said that he puts himself in a position where this type of allegation could be made because of the type of women he associates with." (899-900)

Per the PSI, a standard sentence would be appropriate if the Court considered that some or all of the current offenses encompassed the same criminal conduct and provide for a concurrent sentence of 198 months. Alternatively, if the court was to find aggravating circumstances, the Court could run the sentences consecutively up to 436 months. The PSI author endorsed several "compelling reasons" that would justify the Court imposing an exceptional sentence, including multiple acts of penetration constituting two separate acts of rape occurred and a "high offender score" of 9. It was recommended that Mr. Jones serve 36 months of community custody whenever released from incarceration. (905-6)

On 9/19/97, the Court issued its Judgment and Sentence (J&S). The Court did not elect for an Exceptional Sentence; in addition, it collapsed sentencing for Count III, and sentenced Mr. Jones to serve two concurrent sentences of 198 months for the Rape-2nd Degree convictions. (921) In addition, Mr. Jones was ordered to "Enter into sexual deviancy treatment" as well as treatment for Chemical Dependency. He was also ordered to participate in urinalysis and polygraph examinations. Finally, Mr. Jones was ordered to serve 36 months of community custody whenever released from incarceration. (921-2)

That same month in 9/97, subsequent to his 1997 convictions, Mr. Jones appealed his convictions; he contended that the Court erred around the introduction of evidence and aspects of his cross-examination by the County Attorney. In addition, he alleged that he was denied a speedy trial and the right to effective assistance of counsel. He also filed two personal restraint petitions which were consolidate with his appeal. [The Washington Court of Appeals affirmed Mr. Jones multiple 1997 convictions in 4/99.]

In 12/97, as part of a sex offender amenability interview, Mr. Jones stated: "...the victim's story doesn't relate to him; that 'she's confused me with someone else... This time I'm not guilty and I did not plead guilt[y]."

In the current interview, Mr. Jones was asked about these offenses. He had previously stated that he had sex with JL but that it was "consensual" and that JL had asked him several times that night for marijuana. He stated: "We walked to the garage together. We went inside, we shared some beer, and smoked on marijuana. We both stretched out on floor. Then we started

making out. I touched her on abdomen, it was a sign –would she release her pants. She took off her own pants, she took off her own shoes -she lied about me taking those off. I disrobed myself, we continued to make out and to have sex...I considered we had sex once. We got off the floor because it was uncomfortable and continued on the couch. Both acts were in same room, on the floor and then on the couch.” Mr. Jones was asked why JL accused him of rape? He replied: “I have my speculations. I think her mother questioned her and she told on herself...I know only one thing. My mother told me that the reason JL went to trial and testified against me was because of her mother. JL told my mother that she didn’t want to take it to trial, so it must have been her mother. That’s what my mother told me.” Mr. Jones went on to report that when he was accused of sexually offending in 2011, the police contacted JL to secure her testimony about the previous offense but per Mr. Jones, she refused to testify. He stated: “They tried to get JL to testify in 2011 and she never did about the ’96 thing.”

Also in the current interview, Mr. Jones maintained that he had always admitted that he committed a sexual offense against JL. He stated: “I never denied that crime except at trial.” He was read the 1997 PSI which showed that he had denied committing the crime after trial. The subject smiled broadly but said no more. He was asked when he recalled admitting a sexual assault of JL. He said: “While at AHCC, I allowed myself to fully take responsibility for the crime that I had committed. Several reasons. I had exhausted all my legal remedies, so putting aside what might have or might not have happened, I came into a chilling state. I calmed down, I saw it more clearly. I was having someone commit a sex act with me against her consent. Before I was saying that she came to me twice about getting her high. I told myself that I needed to man up and face up to having committed this crime. It’s not an easy position to be in, to be in prison, not easy to have others know that you’re a sex offender. I haven’t really had the opportunity to sit down, have a one and one, so that I had the liberty to admit that. I didn’t have a person to confide in about something about that. When I came into prison, I didn’t want others to know that I had committed a sex offense. So I would say that I was legally fighting my conviction. I buried that, I suppressed it and I wasn’t getting any help to admit and talk about it or deal with it. I just realized what I had done to myself and to this victim...It came down to that I was totally embarrassed to admit to myself that I committed a sex offense. I was in denial, like an AA person. It’s confusing, I wouldn’t doubt for one minute that I would say different things or change my mind.”

After Mr. Jones was released after 12 years of incarceration, he was next detected for sexual offense on 9/6/11. On that date, a woman (CM) called police to report that a friend (JB) had communicated to her that she had been raped and beaten and was presently in a particular location. Heard the Yakima Police Department incident port, law enforcement located JB in the passenger seat of her silver Tahoe; the officer "immediately saw the female passenger had two large welts swelling on the right side of her face. One was on her cheek and the other was above her right eye. The female looked at me with wide eyes and mouth the words, 'Thank you,' to me twice. I asked the female to step away from the car and the male. As we moved out of earshot, but where I could still keep an eye on Officer Miller and the male, the female began to cry. I could see more clearly she had marks around her neck too"... The female confirmed she was [JB]. She told me, "he beat me and kept me in his basement for five hours." [JB] seemed very upset, she kept trying to hold back her tears by breathing in and out deeply. She said she did not know that man, indicating the male driver, that she met him at a park and he kept her in a basement. I asked her, aside from the injuries to her face, if the male assaulted her. [JB] said yes. I asked her if he sexually assaulted her. She said yes. [JB] said the man choked her and poured beer down her throat... I walked to the male driver, later identified as James Jones, and placed him in handcuffs. I told Jones he was being detained pending an investigation of assault... Officer Miller took custody of Jones. Officer Miller advised that Jones stated he did not know the female was injured and he denied hurting her..." (1055) According to the police officer, he noticed a slight odor of alcohol, like beer on JB. He reported that JB's eyes were not "particularly red, droopy or wet. [JB] stated she had not been drinking or taking drugs. Her words were clear and her message made sense." (1056) While driving to the hospital, prior to a rape evaluation, law enforcement noted that JB stopped and was found with her head in her hands; she reported that "her head really hurt." Per the incident report, JB reported that earlier in the day she had been at a grassy park "hanging out with various people. Around noon, she said, she got into her vehicle and was getting ready to leave when the man we found her with tonight (Jones), suddenly jumped in the front passenger seat. Jones demanded she drive him home. [JB] initially said no, but Jones insisted and added she should buy him beer. [JB] responded she didn't have any money and she did not drink. Jones told her she should start drinking, and then, "Just fucking give me a ride home." (1056)

According to JB, she drove Mr. Jones to his home and when they arrived there, he told her to come in; she asked him what for and he told her "he wanted to show her 'something cool.'" JB described Mr. Jones as persistent and aggressive and walked down into the basement with Mr. Jones. [JB] reported: "...as soon as she walked into his apartment he slammed the door behind her. Jones then grabbed [JB] by the neck and threw her down on the bed and kicked her in the stomach. He told her, 'Your behind my walls now.' [JB] stated she tried to get up Jones punched her in the face, knocking her back down.... [JB] advised 'that was when things kind of got fuzzy.' She told me Jones blindfolded her and that some point took it off. He hit her, choked her with his hands, and vaginally raped her using his penis and his hands. Jones licked Baumgartner [JB] 'all over' her neck and chest. JB said, 'the ick is everywhere.' [JB] thought she may have lost consciousness at some point." (1056-7) JB reported that Mr. Jones had taken her cellular phone and when she begged to be let go since she had an eight-year-old child that Mr. Jones told her "Quit talking whining."

JB reported that eventually Mr. Jones gave her back her phone, blindfolded her, led her out of the apartment and back to the car that was parked in the alley. According to JB, Mr. Jones placed her in the passenger seat, took off the blindfold, and then drove the vehicle. JB reported that she was not even sure what Mr. Jones looked like because she never looked directly at him. Per her report Mr. Jones stopped briefly to buy some beer and while he was inside she texted CM who lived in Idaho; she asked CM to call the police for her "now," because Mr. Jones was returning to the car. Per the incident report, JB "had abrasions across both knees, her right thigh and hip, left thigh and stomach. Also on her stomach was a set of parallel scratches. She had bruises all of them down both arms and across your back." (1057) According to the incident report, Mr. Jones was booked into the Yakima County jail for charges including Rape-1st degree and Unlawful Imprisonment. When informed that he was being booked, per the Incident Report, Mr. Jones "did not seem to believe it was enough to book him. Other records indicate that while in the squad car, Mr. Jones made a statement that was recorded. Mr. Jones reported that he had been at the SE. Community Ctr. when he and JB met up. He stated that they spoke and she agreed to go back to his place and he was able to load his bicycle into her vehicle. According to Mr. Jones they went to his house and 'had sex.' Jones said that they had sex several times. Joan said the sex was somewhat rough as JB wanted him to give it to her hard. I asked if any slapping her punching or rough stuff occurred and he said no.... I then asked Jones about how JB

had gotten these injuries. Initially outside of his vehicle when we contacted him, he said he didn't know how she had gotten the injuries. Jones said that when they walked down to his basement apartment, she fell down the stairs due to her state of intoxication. Jones then said that after having sex, JB had to go pee when she got up she fell striking her head/face on the lamp stand next to the bed. Jones said that he never put his hands on JB except when they had sex, but it wasn't to strike her." In addition, law enforcement notice that on Mr. Jones left knee area "it was what appeared to be blood that had soaked through." At some point, Mr. Jones stated to police "I'm going back to prison for this, I can already tell...I might as well just go back." (1060)

As part of their investigation, the Yakima police interviewed a neighbor of Mr. Jones, Tammy Sullivan. Ms. Sullivan stated that she "she was home all day and night. She was walking out of her bedroom which to go to the shared common kitchen when she was confronted by an unknown white female in the kitchen. The female told Tammy call 911 frantically. Tammy told her she did not want any part of whatever was going on and tried to walk back to her room. The unknown female then punched Tammy in the back of the head as she was walking away and pinned her up against the wall and told her again to call 911. According to Tammy, [another neighbor] heard the commotion and came out and broke this up...At that time, Jones also came upstairs and grabbed [JB] by the neck and hair. He dragged her downstairs. Tammy could hear Jones assaulting her and Jill screaming...I asked Tammy why she didn't intervene and call 911. She stated she did not have a phone and do not want to get involved. (1066)

In 9/11, in Yakima County, Probable Cause was request for the subject to be charged with Rape-1st Degree and Unlawful Imprisonment. (1039) An amended Information was filed in 11/12 charging Mr. Jones with Rape-1st Degree (or in the alternative Rape-2nd Degree) and Assault-3rd Degree. (1042)

A Judgment and Sentence from later in 11/12 indicated that Mr. Jones pleaded guilty to Assault-3rd Degree (identified as Count 2). Count I was dismissed. He was sentenced to 12 months incarceration with credit for 12 months of time served (e.g. while jailed pending trial apparently). (1047)

In the current interview, Mr. Jones was asked about the 2011 arrest for rape. He reported: "I was in the park, drinking beers, smoking marijuana...She

came down the sidewalk, drank some beer. She wanted more beer. I took her dollar, bought beer. I suggested we go to my apartment and I put my bike in the back of her car...We had consensual sex. We took it to trial. She gave her testimony and the prosecuting attorney stopped the trial. He came to me with the deal that if I pleaded to Assault 3, he would make it time served... He dismissed the charges ¾ of way thru trial PA, if I would make a deal...I pleaded nolo contendere, solely to end the mess. There was no assault just an agreement as part of a plea." Mr. Jones continued: "That was another bogus case. It was all a vicious lie. In her testimony, she was lying about the rape part." When asked about JB's injuries, Mr. Jones reported: "She fell on her face a bunch of times. She was too drunk, she fell down flight of stairs, that's how she got hurt."

Other Inappropriate or Problematic Sexual Behavior:

Since at least 1993, Mr. Jones has been infractioned a number of times for problematic interactions with female staff, with some records indicating a particular problem with "blond female staff." (1267)

Records indicate that in 4/93, Mr. Jones was reported for "Unauthorized Correspondence," namely sending notes (two cards) and letters to a woman who worked in the inmate store. (1606) The subject is noted to have responded: "My feelings are the same, but if they are going to cause me problems, I am willing to change them." (1615) It was noted, "The attempted relationship was not encouraged or solicited by the staff member." (1490) This led to Mr. Jones being placed in segregation and being transferred to another institution. (1616)

Records from 5/93 indicated: "He has been writing love letters to a staff member. Told staff he was in love and just waiting for her to respond. He has a history of arrests for rape but no convictions." (1263)

In late 11/93, while at Pine Lodge Pre-Release (PLPR), a female staff reported that Mr. Jones had written a letter to her. A Serious Infraction Report indicated that Mr. Jones wrote a letter to a female correction officer saying that his feelings for her had "...gone beyond friendship." When questioned, Mr. Jones admitted that the officer "...had done nothing other than talk to him and listen to him to make him feel this way." Initially, he was given a warning until it was learned that he had been cited for this type

of behavior before. Subsequently he was terminated from PLPR "and ordered not to try and establish any personal relationships with staff members in the future." (1536). In the letter, Mr. Jones said that he could not sleep thinking of the female correctional officer. He said that he was lonely and impressed by having a relationship with someone of the officer's high caliber. He found himself feeling jealous when she spoke to other inmates. He wrote: "I only ask that you be assured that I'am to mature fantasize, so that what I'am telling you is from my insides, my heart; not merely some fantasy or illusion...I feel the way I do about you because of who you are." (1537). The Observation Report indicated that after speaking with Mr. Jones "it appears he was testing the waters with office Walters." The subject was infracted for Creating a Risk to the Orderly Operation of the Facility and Intentionally Failing to Comply with an Administration or Post Hearing Sanction. (1540)

A WDOC Chrono from 12/93 indicated: "P was terminated from PLPR due to his fascination with female staff who have blonde hair. He starts out by doing a very good job as their porter for female staff and then writes letter to them. In the letters there are implications that he has had an intimate relationship with them. Of course, the female staff is unaware of this until she receives the letter. This is the second time this particular incident has occurred, and most likely not the last. P has no conviction for any sex offense; however, he had his parole revoked because of a rape/kidnapping of a 15 year old female. [It] would appear to have predatory instincts. Please make all staff aware of his past behavior. It would appear that he is becoming bolder each time from what I gather. He does most of his cultivating on the night shift where there are less staff to watch him. If he hasn't acted out yet, there is a very good chance that he could and what better shift to do it on than grave yard shift!" (1262, 1358)

Also, in 12/93 a Classification Referral (CR) was written regarding Mr. Jones. It noted that the previous month a report had been written by a graveyard shift female officer "in regard to a letter Mr. Jones had written to her. This letter, which was typed single space, was given to the floor officer by Mr. Jones. It expressed a lot of emotion to include friendship and jealousy. It would to an outsider that an inmate relationship had transpired between Mr. Jones and the staff member...Even though Mr. Jones has not been convicted of any sex offenses, it would appear he does have a problem when it comes to females. Mr. Jones appeared to have cultivated this

relationship for the past six months. He would appear to have been grooming this staff member and chose the written letter as a means to test the staff member's reaction to him..." (1492) He was apparently transferred again as a result of this issue.

Similar issues arose during a subsequent incarceration for the subject. In 1/09, Mr. Jones received sanction for an infraction of Sexual Harassment and Intimidation/Coercion. Per records, the subject approached a female nurse and told her that she "was doing a good job. The next day the inmate touched my arm and stroked it down to my wrist as he handed me another note that stated he wanted me to be his friend and also asked me to write him letters while he was incarcerated here. I informed the inmate his behavior was inappropriate. The inmate's actions made me feel very uncomfortable and frightened to go to work." (1568) Mr. Jones indicated that the information was not true and pleaded not guilty. Apparently, the same incident is referenced as Sexual Harassment and Coercion. (1571)

In 5/09, Mr. Jones was again accused of inappropriate behavior related to a female staff. Per an Incident Report, he dropped a grievance form with a memo attached on the circulation counter and told a female library staff "You better read that." Per the report, "he accused me of accepting affectionate letters and giving legal advice." She also reported that he had tried to give her a typed note prior to 5/09 and that "he also tried to give me a note as he was returning a reference book that might be considered affectionate. I gave it back to him and told him he was going to get himself in trouble." Mr. Jones apparently told the female library staff "he would not submit the grievance if I chose to work it out with at a "lower level"." (1579). Mr. Jones was found guilty of Strong Arming/Intimidation and Sexual Harassment. (1583)

In the current interview, Mr. Jones was asked to comment on and explain his history of infractions while incarcerated; he initially stated: "I've had some problems. I don't remember the number. The things that I remember were problems with female staff. At Coyote Ridge there was a librarian -that led to my transfer to Walla Walla. We became acquainted. It always boils down to the inmate doing the wrong thing. I confessed that it wasn't just me, this staff took me to places where inmates don't go alone. There was a relationship of types." He was asked why the librarian would have reported

him if it was a mutual relationship. Mr. Jones stated: "She told me that what we were doing was inappropriate and that someone else had reported it. She warned me that I needed to let it go, but I wasn't going to just let it go, so I wrote a letter to her, trying to patch up things. She saved herself and cured the problem."

The subject was asked if this type of issue had occurred on other occasions. He stated: "There was one here with a woman at AHCC. I'm not trying to blame them. I approached or initiated to start a relationship with the individual. It takes time, communication, and working together. I was helping with inmates who were bedridden in medical. The same thing happened, I talked to her, asked her what was going between us, She said she was unsure, but she was okay with it. I wrote her note and asked her what was going on between us. She let me know she was married and she didn't know what was going on. I was pulled in by staff at some point, because it was probably reported by others, then they pulled her into an investigation. Then they determined that I should be terminated and gave me an infraction. They sent me Coyote Ridge, I believe they terminated her because she was part-time." Mr. Jones was asked and did not remember any other similar issues. We discussed the reports of these and other similar incidents. He then agreed that this had occurred at Coyote Ridge. He then remembered an incident at Pine Ridge and stated: "I think that was first, I was friendly with a night worker."

Mr. Jones could not recall any other instances that might have been identified as incidents of sexual harassment by the WDOC.

Other Criminal Activity:

Mr. Jones is characterized by a chronic and persistent pattern of anti-social and criminal behavior. He has reported and records indicate that he was detected for criminal behavior as a child; by 1997, his criminal history indicated over 30 convictions. In the current interview, he indicated that he had been caught stealing as early as the 5th grade and that he had stolen before and after that incident, on at least a monthly basis.

In a PSI dated 6/75, it was noted: "There are a number of items pertaining to Jones' juvenile delinquency. However, these were all handled informally

and there were no incarcerations as a juvenile. These offenses included truancy, traffic violations, vandalism (for which he received 60 days house arrest and restitution). A charge of petty larceny was also handled informally. (339) Other records reflect that Mr. Jones was involved in criminal behavior as an adolescent, "Resident's criminal history indicates minor problems as a juvenile. Mainly involving truancy, traffic violations and vandalism. As an adult, the resident has apparently been arrested on several occasions for petty larceny, grand larceny. This was dropped when restitution was made." (1927)

Mr. Jones was first arrested at age 15 per his past report. In 1975, he reported that he had been to juvenile court in Grant County at age 16 for drunk driving. He reported: "I was not committed, my license was suspended for 90 days, and I was fined some \$100.00 or so!" (1373)

Relative to adolescent antisocial behavior, early in the current interview, Mr. Jones reported: "The first time I got in trouble, I stole from a grade school. It was my sophomore-junior year. I got in trouble with the police. I'm thinking I was 17, when I first started stealing." However, later in the interview, Mr. Jones indicated that he recalled his first arrest by the police was probably at age 16 for drunk driving."

In 3/72, Mr. Jones was arrested for Grand Larceny in Davenport. He was ordered to make restitution. (e.g., 219) In 4/72, he was arrested and charged with Burglary-2nd Degree and Petty Larceny in Okanogan County. (74) His consequence was apparently restitution per Court order. (155) In 10/72, at age 20, Mr. Jones was sentenced in Okanogan County for Burglary-2nd Degree; he was given a deferred sentence for three years. (346) Other records reflect: "He indicated that "I pleaded 'guilty' cuz I was!" He was placed on probation for three years from 110/72-10/75. (1373) His probation on this conviction was subsequently revoked based on arrest for another crime in 1/75 (346, 1927); other records, indicate that in 4/75, Mr. Jones was cited for Failure to Comply with Probation in Okanogan County.

While on probation for that Burglary, Mr. Jones was arrested in Grant County in 10/74 for Conspiracy to Violate the Uniform Controlled Substance Act. Records indicate: "With his brother Michael, he sold or conspired to sell marijuana, amphetamines and LSD to an undercover agent of the WSP and also purchased drugs and wholesale lots in Spokane for

resale in Grant County.” (339) Records indicate that in 9/74, Mr. Jones and his brother, Michael, made arrangements for the subject to go to Spokane to pick up two jars of Amphetamines, a pound of marijuana and about 100 hits of LSD and returned to Grand Coulee for Michael Jones sell or deliver. Apparently Michael Jones sold the drugs to an undercover police office. Later in 9/74, the undercover police officer went to the house of Jones accomplice and spoke to Mr. Jones about future deals. The subject was arrested for the delivery of the various drugs in 10/74. (e.g. 320, 324) Records indicate that both Michael and James Jones “consistently and vigorously denied” James involvement in drug sales and transactions. However, no evidence of his lack of involvement was presented at trial and a polygraph taken by the subject did not clear him of the drug charges. (328-9) The County Attorney wrote: “It seems clear that James’ desire is not to obey the law, but to avoid getting caught when violating it.” (329) In 5/75, in Grant County, after a jury trial, Mr. Jones was found guilty and sentenced for Conspiracy to Violate the Uniform Controlled Substance Act (CVUCSA) and Burglary-2nd Degree. (1370) Apparently, he was sentenced to a minimum of 2 years and a maximum of 5 year term of incarceration; (e.g. 316) his sentence was set for two years (e.g. 5/77 per the Parole Board. (2198) The arrest for CVUCSA constituted a parole violation of his Burglary 2nd Degree conviction from 1972. In 10/75, his possible 15-year sentence for Burglary-2nd Degree was set for two years per the Parole Board, to run consecutive to his sentence for CVUCSA (e.g. 5/79).

After his arrest for CVUCSA but before sentencing, Mr. Jones received a traffic ticket in 3/75. The record indicates that he was involved in an auto accident and appeared to have alcohol on his breath and was unsteady on his feet. (355) He was also arrested for Failure to Comply in 4/75 in Okanagon County. (157)

In 1975, Mr. Jones wrote: “Something that is important to know is that I am not guilty for the charge I ‘am in here for. I did not conspire with my brother in drugs...” (1372) He has indicated that he simply “bragged” to a man that he and his brother could get him drugs if he wanted them and in a way that was unknown to him, his brother Michael did get drugs and sell them to the narcotics agent. Per his report, he was accused simply based on his statement that he could get drugs for the agent. (1379)

In the current interview, Mr. Jones stated that he wasn’t sure if he was on probation prior to his VUCSA arrest. He did not know why his records

indicated a "Failure to Comply" in 4/75, saying: "I don't remember why I would have been on probation. I must have been supervised." Relative to the VUCSA conviction, Mr. Jones continued to insist: "I was not selling drugs. I had purchased my own drugs and Michael was sharing my drugs with this other person, who turned out to be an undercover policeman. They arrested us after he said that he had said he had simulated taking pills or smoking pot with us...There was no marked bills, not that amount of we were accused of having or using the amount of drugs described."

In 1975, Mr. Jones indicated that he was appealing his case and needed the legal library. (1372) At intake, he wrote: "Something that is important to know is that I'm not guilty for the charges I'm in here for. I did not conspire with my brother in drugs. Although I know it is very seriously wrong for me to be here, I have every intension of only trying to get the right people to know this as well. Once that is done, if I still have to stay, well I do. But it sure hurts!" (1372)

Records indicate that Mr. Jones was also sentenced in 5/75 for Burglary-2nd Degree in Okanogan County; records indicate that his sentence was a 15-year ISRB sentence. (e.g. 320)

Thus by 6/75, at his age of 23, it was noted: "As an adult Jones has been arrested on numerous occasions for petty larceny, grand larceny (dropped when restitution made) and excessive traffic violations." (339)

In 4/79, Mr. Jones pleaded guilty to another charge of Burglary 2nd Degree (358); per some records, he was apparently sentenced to 18 months, while others indicate that received a sentence with a maximum term of 10 years (e.g. 316). He indicated that he "did drink and consume alcohol in an amount to where I did commit the burglary in the second degree. I was influenced by the alcohol and therefore did commit the charge." (358) This arrest/conviction also constituted a violation of a prior parole/probation term (for Burglary-2nd Degree); a Court order noted that Mr. Jones had failed to complete the Community House Treatment Program, which constituted a violation of existing probation. The Court amended his probation and reimposed his sentenced to serve one year in the Spokane County Jail (with credit for time served) and work release at the discretion of the subject's parole officer. (361)

On 2/25/80, the subject failed to return to Geiger Field Work Release. (e.g. 315) [He apparently ended up in Colorado.] In 5/81, Mr. Jones was found guilty of Escape-1st Degree and given a 10 year suspended sentence. In addition, in regard to his prior conviction for Burglary-2nd Degree, Mr. Jones' probation was revoked and he was sentenced to a maximum of 10 years confinement in the Washington State Penitentiary. (372) He was also sentenced to serve 7 years of probation relative to his Escape conviction (from 5/12/8, thus to 5/86). (380) Later, the sentencing board ordered him to serve an additional 1.5 years consecutive to his Burglary conviction from Okanogan County in 10/81. (373)

In addition, records indicate that Mr. Jones was arrested for Felony Theft in Missoula, Montana in 9/80; he was apparently using his brother's name as an alias. (76, 157) He was subsequently convicted of Misdemeanor Theft, receiving a 6 month suspended sentence. In addition, records show that Mr. Jones was also arrested while residing in Colorado (again using his brother John's name as an alias), both for Burglary and Theft (Larceny) in 11/80 and Forgery of Checks and Fraud/Impersonation in 2/81. (77)

When asked about the records indicating arrests in Missoula, Mr. Jones did not immediately recall any criminal behavior. However, he stated: "I did live there with Cheryl, no we lived in Colorado. We must have gone through and done something." However, then the subject stated: "No, I never lived there." However, the subject did recall arrests in Colorado. He stated that in Aurora in 1980 that he was arrested for Burglary-2nd Degree and Theft, stating: "I was residential. I took pots, pans, linens, dishes, TV, and a stereo. I used an alias. I got through the system and I was never charged. I did it but I was not convicted...In '81, I got booked. I gave them a writing analysis, maybe. I was arrested and there was an issue of checks."

In 3/81, Mr. Jones was arrested for two counts of Forgery in Spokane County; they were apparently dropped and dismissed (respectively) in 5/81 at the time that he was found guilty of Escape. In addition, in 7/82, the subject was arrested for Theft-2nd Degree in Spokane County. The disposition of this alleged offense is unclear; it may have led to a parole violation. (129) It also appears that Mr. Jones had several probation and parole violations in 12/83. (131)

Records indicate that in 1/84 Mr. Jones was arrested in Ephrata in Grant County for five counts of Unlawful/Bad Checks; apparently he was found

guilty and sentenced to 34 days in jail. (78) In 12/84, the subject was arrested for Simple Assault (Domestic Violence); this charge was apparently dismissed. (132) However, that same month, he was arrested for a parole violation. It appears that he was found guilty and probation was reinstated. (133)

In 4/85, Mr. Jones was arrested and charged with Theft-2nd Degree; in 7/85, he was found guilty of Theft-3rd Degree and sentenced to jail for four months. (79, 134)

Mr. Jones was next detected for a crime in Spokane County on Thanksgiving 11/28/85 (399). Checking for a prowler, police noticed Mr. Jones and an accomplice in car with numerous new tires piled in the back seat; a total of 8 stolen tires were recovered from their car. Reportedly, the subject indicated that he was coming home from work at another tire dealer but police found that the business did not exist. (e.g. 321) He was charged with two counts Burglary-2nd Degree. (e.g. 161) On 3/4/86, Mr. Jones was found guilty in a bench trial and sentenced to a maximum of 18 months in prison per SRA. (e.g. 317) It was noted that this was his fifth felony and was also already on parole. (394)

Subsequent to his 11/85 arrest and before his 3/86 conviction, Mr. Jones was arrested in 12/85 for both a Probation and Parole Violation; the former was terminated while the latter was reinstated in 4/86. (136)

[On 7/3/86, Mr. Jones was arrested for Rape-1st Degree and Unlawful Imprisonment, which were dismissed later that month. Apparently, those charges or arrest served as a Parole Violation, which was reinstated. (137)]

In 10/86, the subject was arrested for Simple Assault (Domestic Violence); this charge was apparently dismissed. (138)

In 3/88, Mr. Jones was arrested for a probation violation. It appears that he was found guilty. (138) In 8/89, he was arrested for Assault-4th Degree (Domestic Violence) but the charge was dismissed in 4/90. Prior to that, the subject was arrested in 10/89 for a Parole Violation.

In 3/88, after his violation, Mr. Jones wrote: "I have had fine parole officers while on Parole. I have learned I must work to make an honest living and

though I have made many foolish mistakes, I will keep on trying to progress. The reasons I have returned is due to 'myself' and the influence of bad association. I must learn how to pick good company and not be influence by other persons...I'am sorry and I mean that, and I still sorrow because I have shamed & disrespected my family, the Judge, Parole Board & mostly myself & children...I already know "I will never commit another crime as long as I live." I, and those who love me have suffered enough because of my mistakes. My rehabilitation, and progress has already started within myself. I have to turn it around not prison and I certainly will." (1396)

[In 6/90, Mr. Jones was found in California with MG. Records indicate that he was initially arrested for Kidnapping; Personate to make another liable; Fugitive from Justice; and False Identification to Peace Officer. Later, he was charged with several parole violations and returned to prison.]

Mr. Jones was detected for several new crimes in 1992. In 1/92, he was arrested for Burglary-2nd Degree; the crime involved stealing custom tires from Sound Tires. Per the owner, 5 aluminum semi wheels and two 15" used tires were stolen. Mr. Jones was observed driving away from the area with his headlights off and tires and wheels in the back of his station wagon. He was later found guilty in 11/92 and sentenced to a term of 38 months in prison. (447-455)

[After his arrest for the 1/92 Burglary and prior to his sentencing, in 3/92 Mr. Jones was arrested for Rape-1st Degree and for Burglary-2nd Degree in Spokane County. (141)

In addition, in 1/92 (in Grant County), Mr. Jones was arrested and charged with Attempted Burglary-2nd Degree of the Electric City Post Office in Ephrata and Malicious Mischief-2nd Degree (causing physical damage in excess of over \$250). (524) Records indicated that Mr. Jones represented himself, with assistance from appointed co-counsel. In 5/92, Mr. Jones pleaded guilty to Malicious Mischief-2nd Degree "to take advantage of the plea negotiated offer." (580) On 6/5/92, the subject was sentenced Malicious Mischief to serve 5.5 months in Grant County jail, with credit for time served and 15 days to be served converted to 120 hours of community service. He was also sentenced to 12 months of community supervision and ordered to pay \$699.00 of restitution. (601)

Mr. Jones subsequently appealed this conviction alleging prosecutorial misconduct (issues with the prosecutor's closing arguments) in that case. However, the Washington Court of Appeals affirmed his conviction in 12/94. (489-494)

However, in 8/92, Mr. Jones was arrested for Theft and he was found guilty that month; disposition is unclear. (143)

In 12/94, a Notice of Violation was filed in Spokane County noting that Mr. Jones had failed to make payments toward legal financial obligations, failed to complete community service house and failed to report to the WDOC as instructed. It was noted that the subject's adjustment to supervision had been poor and "He has failed to abide by the court imposed conditions as well as the conditions set for by the [WDOC]." (474-5) Per a report, it was noted that Mr. Jones had never completed the full 12 months of community supervision from his 1992 Grant County cause and also noted that from 1978-1982, his probation was revoked six times during probation for his first two convictions and three times for the third conviction. (478)

In 4/95, Mr. Jones was arrested for Theft; he allegedly stole a woman's purse from a grocery store. The victim reported that her purse was in her shopping car while she was shopping and turned her back to her cart and when she turned back, her purse as gone. Mr. Jones was observed with a bulge in his jacket and was stopped. When taken to the store's security office, the purse was inside his coat as was a knife. He was convicted and sentenced to serve 3 months in jail. This arrest also constituted a parole violation. Other records indicate that he received a sentence of three months in jail and 12 months of community supervision. (e.g. 84, 174)

Later that year in 9/95, Mr. Jones was arrested for Armed Robbery. Reportedly, the subject threatened a male with a knife and stole an electric razor. Records indicate that he was later convicted of Theft in 1/96 and received a sentence of 16 months. (e.g. 85, 319) This crime apparently also constituted a probation violation. (143)

In the current interview, Mr. Jones thought that this referred to the previously mentioned incident at a grocery, stating: "I loaded a cart of groceries and left the store. They asked me to come back in store, but I left. When we were stopped they found a knife under my coat. Then the guy at

store said that he was knife threatened with it.” However, this appears to relate to a 1/96 offense of Theft-1st Degree where records indicate that the subject took groceries from a Safeway without paying for them. (173)

[As a note, from 1986-95, records indicate that Mr. Jones had multiple violations related to a suspended driver’s license, Negligent Driving and License Violation. (174-5)]

The subject was found guilty of three Probation Violations in 2/96. (146) In 3/96, it was noted that Mr. Jones had failed to appear for a previous court date and so a Bench Warrant was ordered. (678) He was cited for Failure to Comply in 2/96 and found guilty in 3/96. (147) The subject was released pending a subsequent violation hearing (680) but did not appear for a hearing in 7/96. (687)

In 6/96, Mr. Jones was arrested and charged with Theft-1st Degree per some records. [He was awaiting sentence for that crime when arrested for Rape occurred during brief furlough. (e.g. 481)] Other records indicate that in 11/96, Mr. Jones and his wife were arrested for taking groceries without paying from a Safeway store. He was convicted and sentenced for Theft-2nd Degree.

In the current interview, Mr. Jones reported that an officer stopped his fourth wife, Pam, when she left a store with groceries but without paying, saying: “Someone tried to stop her, then JJ got involved, and they turned her loose but we both got charged.”

In 9/96, Mr. Jones was arrested for Robbery-1st Degree but those charges were dropped, apparently with the knowledge that he had been arrested for the sexual assault and Unlawful Imprisonment of JL. (e.g. 48, 148)

Juvenile and Adult Treatment/Correctional History:

Since 1972, at his age 21, Mr. Jones has spent almost all of that time either incarcerated (in county jails or the WDOC) or on some form of conditional release. It is very difficult to provide a detailed accounting of Mr. Jones’ record, particularly of time in the community, given the frequency with which he was released from correctional settings as well as the frequency with which he was re-arrested either for a new crime or a parole/probation

violation. It seems clear that the subject has consistently done very poorly when in the community and relatively well when jailed or in prison. When incarcerated, Mr. Jones generally demonstrates good behavior and receives very positive work evaluations; as a result, he has relatively quickly been placed in lower custody situations and/or work release.

In 5/75, Mr. Jones was placed at the Washington Corrections Center (WCC; Reception) for evaluation, with an expiration maximum of 5/80. (1371, 2200) Regarding Mr. Jones, his mother Ms. Jones reported in 6/75: "I believe he need psychological help. He told me himself that he believed that he needed some help to make him to do what he knew that's important." (1367) She also reported "I think he should have a little more restriction when he get out." (1367) In 7/75, Mr. Jones was infraacted for "Yelling at officers." Later that month, it was noted that Mr. Jones had a four-year minimum term but "was quite positively motivated" about getting to a vocational carpenter crew. (1455) In 12/75, the subject was assaulted by another inmate (and associates) after agreeing to buy his shoes but failing to pay the other inmate. He was badly beaten and required medical care from an outside health care facility for injuries to his eye. He identified his attackers and was given Protective Custody. (1515) In 7/76, it was noted that Mr. Jones occupied himself with the Jehovah's Witness Bible Study group, played basketball and read in the library. He was "seen as an individual who is striving to improve his social status as well as his economic future. He is an individual who is not noted to be dangerous and is pretty much a follower and depends on other people. Mr. Jones is learning to accept responsibility for his own actions and is gaining some self-esteem from treatment and vocational staff. Jones is developing confidence in his ability to program in a responsible way. He is noted to follow instructions well, is honest and does not act in an irresponsible way." He was granted 7 months good time and recommended for parole. He was noted to "express himself very lucidly," to generally have a good conduct record and to have an average or better prognosis. (2200-3)

Also in 7/76, Laura Dehn wrote the WDOC that she wished to marry Mr. Jones and that she felt that he had changed a lot and would do right when he was released. (1997) The request to marry Mr. Jones was denied on the basis that she had had minimal contact with the subject "until he was institutionalized" and that they should wait until he was released to pursue marriage. (1999)

In 8/76, records indicate: "Resident made a rather faulty start here at the institution, however, was able to maintain approximately five months on one program. He was removed from that program on 6-22-76 because, according to his supervisor, while his attitude and work were good, he and several other individuals in that program were fired because of missing plants and damaged equipment." (1928) However, Mr. Jones was recommended for work/training released in 8/76 because of "his really minor degree of criminal sophistication, and his effort to program here in the institution." (1928) In 3/76, it was noted that he had maintained a clean conduct record and that he was dependable and doing a good job; he was recommended to receive minimum custody. (1456) In 8/76, he was sent to Larch Corrections Center (LCC), an honor camp. (1461) In 10/76, Mr. Jones received a sanction for infractions for maintenance and cleanliness of facilities. In 12/76, he was transferred to receive extensive dental work. In 1/77, "Jones appears to have gained some insights into himself and the system. He stated in the interview that the main things he had learned is to respect people and property." (2205) In 2/77, in a PreParole Investigation, it was noted: "...for the most part, Jones' problems have primarily been concerned with drugs and alcohol." It was recommended that he avoid association with persons of a criminal background and at no times possess or consume alcohol or drugs. (2206) In 3/77, Mr. Jones was sanctioned for an infraction of Possessing Marijuana. (1529) That month, the subject was discharged on parole from LCC.

As indicated previously, in 1979, a Court order noted that Mr. Jones had failed to complete the Community House Treatment Program, which constituted a violation of existing probation. The Court amended his probation and reimposed his sentenced to serve one year in the Spokane County Jail (with credit for time served) and work release at the discretion of the subject's parole officer. (361)

Mr. Jones was on work release in 11/79 but was removed "...when it was learned that he had been drinking on his free time. The drinking offense in itself was not considered too serious, although Mr. Jones repeatedly maintain that he was not drinking and that the breathalyzer machine must be wrong however, when he was informed that he would be removed from work release, he did readily admit to is having drank a couple of beers, but he was still removed from work release due to his lack of honesty." Mr. Jones is returned to the jail for just over two months and went through a job orientation program." (362)

In 1/80, it was noted that Mr. Jones had made none of the required payments for restitution or attorney fees. It was noted: "...it was a condition of both his parole and probation that he complete the Community House Drug Treatment Program, however, Jones who was once in this program failed completed and as a result he was order to serve 1 year in jail on the above probation charge...A Supplemental Violation Report was submitted to the board indicating that Jones failed to complete the Community House and as a result a parole revocation was held and Jones was allowed to remain on parole with the condition that he abide by all the conditions imposed by the...Court." However, in the fall of 1979, "he was placed in the Spokane Work Release Unit but did not obtain employment and as tanked from the Work Release after returning to the jail with odor of alcohol on his breath." (2210)

In 2/80, Mr. Jones collected his pay and left work; however, he failed to return to the work release site and he was officially placed on escape status. He failed to contact community corrections or the residential site but apparently had sporadic contact with his second wife. He later reported that he had left the state and gone to Colorado but was not charged for this. (363) He later was arrested for Forgery in 8/80 in Spokane for being in possession of a stolen check for \$500; he claimed that the check belonged to "his lady friend." (366) The Violation report indicated "that since the date of parole in 1977 that Jones has not conformed to his parole plan, nor has he been a productive citizen within the community having been charged with another felon in 1979, that of Burglary and placed on probation. He also did not live up to the condition of probation by leaving the Work Release facility and whereabouts for the last year or so had been unknown...It further appears to me that to curtail nay further illegal activity on the part of Mr. Jones that a more structured environment will be needed." (367) Consequently, in 5/81 approximately Mr. Jones was returned to prison.

After Mr. Jones returned to incarceration in the WDOC in 4/81, he was evaluated by a WDOC Sociologist, R. Watson, in 7/81 who noted: "He was originally committed to the Department of Corrections for Violation Of The Uniform Controlled Substance Act and Burglary in the 2nd Degree, and now returns as a parole revocation case on that Burglary 2nd Degree, with an additional felony conviction of Burglary 2nd Degree under Spokane County Cause #79-1-00291-8." Mr. Watson wrote: "Jones comes across in the interview situation as a rather passive and mild individual who does not have a high degree of criminal sophistication, however is gaining in his criminal

orientation, primarily as property offender. His attitude has been seen as quite good, reports from officers downstairs say he has been doing an adequate job in all respects, and he will probably be a good candidate for camp." It was recommended that the subject be transferred back to Larch Corrections Center to return to work in "the DNR Forestry crew as well as individual counseling and guidance." (2243) As noted, in 5/81, Mr. Jones was found guilty of Escape-1st Degree and placed on a 10 year suspended sentence. (1466) In 10/81, the WDOC denied Mr. Jones' request for transfer to Pine Lodge, noting "Mr. Jones has not fully resolved his feelings nor has his emotions in check." (1465)

Apparently after arrests and convictions in Colorado, the subject was again returned to prison in the WDOC in 1981; this appears to have been the result of a parole revocation in 6/81. (2216) In 10/81, Mr. Jones was sanctioned along with other inmates in his cell for two homemade knives (both more than 8 inches long) that were discovered in the cell. (1532) The subject denied any knowledge of the shanks. All four inmates received sanctions.

In 1981, the subject participated in a course of psychotherapy with S. Sloat, Ph.D., a Staff Psychologist at MICC. Per records from 11/81: "Mr. Jones was initially referred from the hospital. Staff who had seen him at admission were concerned about his depressed mood, He was also complaining about severe headaches, insomnia and nightmares. He has been seen regularly for the past three and one-half months. Initially, there was little progress. During this time he was mainly reviewing his life and relationships, particularly those with his father. He was distressed by his own immaturity and lack of consistent responsible behavior despite his desire to do the right thing. In addition, he was worried about his fiancée and her financial problems and about not being able to contribute to his children's support. A change came in early October when he decided it was a waste of time to be preoccupied with things that he could do nothing about at this time and began to concentrate on what he could do. He reviewed his past failures, among which he counted his not completing high school, his two failed marriages, the difficulty he had accepting his father's death, and his law violations. Although he had often been told, and even at times said so himself, he began to realize more clearly how he had always relied on other people, how he had been a follower, and how he had been scared to think and act for himself. With this, he said he was beginning to feel that he could have control of his life and himself. Concomitant with that, the headaches and nightmares largely disappeared, and his mood became more confident." At

that time, he also reportedly addressed learning that one of his brothers had raped his fiancé. Dr. Sloat concluded: "At this time it is felt that Mr. Jones has gained considerable insight and strength and is making good plans for his future. Transfer is recommended;" at that time, Mr. Jones reported that he wanted to transfer to Pine Lodge and discharge to Coulee City because he indicated that "he will do better if he does not settle in the Spokane area." (2244) In 10/81, it appears Mr. Jones' new sentence was set by the Parole Board as 12 months from 3/81. (2222) Also in 10/81, it appears that he was sentenced to a maximum of 10 years, with confinement of 18 months to run consecutive to his sentence from Okanogan County with parole in 6/82. (2223)

In 12/81, it was noted that Mr. Jones was seen by the Parole Board due to a technical violation relative to work release and on a new charge of Burglary-2nd Degree involving a pizza place. He indicated that he was "currently seeing Mrs. Sloat in the institution on a counseling basis, which he seems to find helpful." (221)

In 1/82, it was noted that Mr. Jones had taken part in a work training release (WTR) program previously but had escaped from that site (e.g. Geiger Field) on 2/25/80. The WDOC denied his request to transfer to Forestry Camp as "unrealistic" but recommended that he be granted minimum custody and that he be placed on the move list for work release. (1467) He had "indicated to the Parole Board that he has a drug and alcohol problem." He was recommended for another work training release program. (1930) Apparently, Mr. Jones had served 21 months on two separate Burglary convictions prior to his release. (1482) In 3/82, it was noted that Mr. Jones "has made a lot of progress during this incarceration. He was reported to be extremely depressed for the first few months of his incarceration, but ongoing counseling with psychologist Dr. Sloat at MICC appears to have improved his ability to deal with his failures and produced greater realistic insights." He was released to a Tacoma site in 3/82 and then was paroled to a work release site closer to Spokane, (1934) apparently in 6/82. (316) Again, he was released on conditions of no use of possession of liquor or drugs or association with persons on probation/parole; he was ordered to follow instructions of corrections agents to obtain necessary counseling.

Records indicate two parole violations in 12/83 and then another such violation in 12/84, with his probation reinstated. (78-9)

In 1/85, the subject was released on parole; a treatment plan recommended three to six months of outpatient substance abuse counseling, biweekly UAs, and Narcotics Anonymous (NA). (2272) Mr. Jones contracted to attend outpatient substance abuse counseling by Treatment Alternatives to Crime (TASC). (2336) That month, he participated in an alcohol/drug diagnostic evaluation.

Records indicate that Mr. Jones had several parole and/or probation violations in 1985 (in addition to new charges). (e.g. 80)

Along with a probation violation (e.g. 81), Mr. Jones was incarcerated again in 3/88 for what was indicated to be his 5th felony conviction and his 3rd time in the WDOC. In his Classification Review in 4/88, it was noted that he had remained infraction free for the reporting period. At the time, he reported that he wowed \$110 per month for child support and that is driver's license. By 5/88, he had been approved for work release. (1472) and was transferred to that site by 7/88. (1473)

In 8/88, while on work release, Mr. Jones again left his work site, apparently with a car despite not having permission from the WDOC to drive. The subject pleaded guilty to the violation. (1951) That same month, he received a violation for not turning in his paycheck, but claiming he did when he had actually cashed it in a store. (1955) In 9/88, he had a violation for being at his mother's home without authorization. In 10/88, he received as Work Release Violator at E. Washington Pre-Release; his violation indicated that he tested positive for both cocaine and marijuana. (1477) Upon his return to incarceration in the WDOC, Mr. Jones entered a Chemical Dependency Treatment Program (CDTP) in 12/88. He was seen as having Chemical Dependency (as opposed to a lesser problem), characterized by "Legal Problems, Financial Problems, Family Problems, Relationship Problems." The CDTP was outpatient program for alcohol and drugs. Per a Discharge Summary, dated 11/4/89, Mr. Jones completed a Chemical Dependency Treatment Program. The summary read: "He entered and completed the E.R.W.P.A/Omni Relapse and Recovery Program. He completed all written assignments in a timely manner. He was cooperative and participated to some extent during group and class sessions. He was presented with some information and skills about Chemical Dependency that could help him remain alcohol and drug free upon his release from the system. What he [chooses] to do with that is up to him." He was given a fair prognosis

relative to "Total abstinence from all mood/ mind altering chemicals with AA & NA." (2451) Eventually, records indicated that Mr. Jones was discharged to live with his mother in 3/89 on SRA Release. However, other records indicate that in 6/90, Mr. Jones was incarcerated in the WDOC and was placed in Administrative Segregation when he alleged that a cellmate started making sexual advances to him. (1600) In 10/90, he was transferred to Clallam Bay Corrections Center. In 2/91 it was noted that he had had five suspensions and restatements since he was granted a CDPS in 3/87. (1482) His expiration was 11/91 at that time.

However, in 1990, Mr. Jones was returned to the WDOC for parole violations. ISRB notes from 9/90 apparently indicated that while on parole: "Mr. Jones has now been found guilty of a very serious and violent offense, which is the rape and abduction of a 15 year old girl, which involved taking her to California. The present violations are very serious in nature, and clearly demonstrate that he is not rehabilitated or safe to be at large. It is noted that there was a previous allegation of a rape in 1986, but the Board reinstated Mr. Jones, and it was a case where the victim did not appear to testify. This allegation is not considered a part of his criminal history, however, it does reflect the pattern of the same type of behavior. While on parole Mr. Jones experienced some prior suspensions and reinstatements and at one time was granted a Conditional Discharge from Supervision. We feel the present behavior warrants his being incarcerated to his maximum expiration date." (1945)

Per WDOC documents from 3/91, it was noted that Mr. Jones had completed the STOP program in 1987 and was now eligible again for the STOP Program, at that time an institution-based DOC program. At that time, he was said to be characterized by Substance Abuse, as opposed to dependency, with alcohol as his primary substance of abuse. (2452-3) In 4/91, Mr. Jones was awarded a Certificate of Completion for Life Skills. (2076) Mr. Jones was released from McNeil Island Corrections Center (MICC) on 11/91 when his Burglary max ISRB sentence expired. In 1/92, he was assigned classes in GED, Life Skills and to have STOP evaluation and had completed Life Skills; his STOP evaluation showed him to be a substance abuse. At that time, he was commended for his positive programming. (1487) However, within weeks, he stopped attending his work assignment, saying that he didn't want the job; he received a serious infraction for Refusing Work. (1488)

In 3/93, Mr. Jones provided consent to urinalysis, which at that time was negative for all drugs tested for. Records indicate that in 4/93, Mr. Jones was reported for "Unauthorized Correspondence," namely sending notes (two cards) and letters to a woman who worked in the inmate store. (1606) The subject is noted to have responded: "My feelings are the same, but if they are going to cause me problems, I am willing to change them." (1615) As a result, it was recommended that Mr. Jones be transferred to another institution. (1616) Per other records, in 4/93, Mr. Jones was placed in Ad Seg pending an investigation for sending notes and letters to a staff member attempting to engage in a relationship. It was noted, "The attempted relationship was not encouraged or solicited by the staff member." (1490)

In 6/93, it was noted that he was serving a 38-month SRA sentence and had an ERD of 9/04. (1489)

As noted, in 11/93, while at Pine Lodge Pre-Release, Mr. Jones received infractions for writing letters to female staff. Per records, a note was received by a female CO that "suggested that Jones's feelings toward her had... 'gone beyond friendship.'" The note is on 1537. In addition, "It seems among other things, resident Jones was terminated from CRCC for this very thing; writing letters to female staff members. He was told of the inappropriateness of this at that time but apparently did not get the message." (1536) Mr. Jones responded: "When I was CRCC the circumstances were quite different. I was working closely with office Walters and got to know her quite well. Things are not always as they seem."

Mr. Jones was terminated from Pine Lodge in 12/93 after being there for six months. The termination report indicated: "Even though Mr. Jones has not been convicted of any sex offenses, it would appear he does have a problem when it comes to females. Mr. Jones appeared to have cultivated this relationship for the past six months. He would appear to have been grooming this staff member and chose the written letter as a means to test the staff member's reaction to him. Mr. Jones is a very manipulative and opportunistic offender who should be watched very closely. In discussing Mr. Jones' past behavior, it would be safe to say that if he felt he would not suffer any consequences he would act out his fantasies... He was denied by the Screening Committee. The committee felt this is actually a sex offender with property crime convictions. In that he is actively fantasizing about female staff and acting on those fantasies, (sic) he is a risk to both the

community and any community program with female staff and/or residents. So far as we can tell, he has never received treatment for sexual deviance.”

Also, in 12/93 a Classification Referral (CR) was written regarding Mr. Jones. It noted that the previous month a report had been written by a graveyard shift female officer “in regard to a letter Mr. Jones had written to her. This letter, which was typed single space, was given to the floor office by Mr. Jones. It expressed a lot of emotion to include friendship and jealousy. It would to an outsider that an inmate relationship had transpired between Mr. Jones and the staff member...Even though Mr. Jones has not been convicted of any sex offenses, it would appear he does have a problem when it comes to females. Mr. Jones appeared to have cultivated this relationship for the past six months. He would appear to have been grooming this staff member and chose the written letter as a means to test the staff member’s reaction to him...Mr. Jones is a very manipulative and opportunistic offender who should be watched very closely. In discussing Mr. Jones past behavior, it would be safe to say that if he felt he would suffer any consequences he would act out his fantasies.” (1492)

In 8/94, Mr. Jones was considered by the ESRC. It was noted “He was transferred from CRCC and PLPR for inappropriate action and writing letters to female staff.” (2141) Records indicate that the subject was transferred relative to his sexual offense history as known at that time; per the Classification Referral (CR) from 6/93: “I feel that for Inmate Jones to remain at CBCC would place the staff member in the receiving end of possible retaliation from the inmate.” (1490)

In 5/94, a psychological evaluation of Mr. Jones was requested relative to possible dispositions but it was viewed that the request would be seen as a low priority, despite the fact that the last evaluation of him was from 11/81. (1944) Mr. Jones was denied admission to the Bellingham WTR at two levels of the WDOC. (1947)

Mr. Jones was noted to be a “superior” worker as a janitor in the WDOC in 1994 and to be characterized by respectful behavior. Per a CR from 2/94, “His criminal history summary was reviewed and discussed. He stated that he realizes that a change of lifestyle is necessary or he will lose his family.” (1494)

Other records from 5/94 indicated that Mr. Jones was denied WTR at that time and that "ISRB maxed him out on a previous conviction with a finding of not 'rehabilitated'. Inmate was returned from PLPR 4 months ago due to fantasys (sic) and behavior toward female staff. Inmate would be threat to any program employing female staff, particularly blond female staff, which VWTR has. Strongly recommend denial for any work release program for this man." It was also noted that "Jones had a clear history of rape" despite his current convictions for property crime. (1941)

In 8/94, Mr. Jones' had continued to receive positive evaluations within the WDOC. It was noted that he had been assessed as amenable to CD program but had not participated in the program to date. However, it was written: "He realizes that at his age it is more than time to end his ways." (1496) He was released from the WDOC to community custody. This was apparently related to his second Burglary-2nd Degree sentence.

In 12/94 after being out on conditional release for several months, it was found that Mr. Jones had not made any LFO payments on either his Spokane or Grant County cases and that he had not done any community service hours. (1358) That same month he was found to have moved; a violation report was submitted. In 6/95, he had failed to report to jail and a Bench warrant was issued the next month. (1358) Although arrested for Robbery in 9/95, in 12/95, the subject had not reported since 9/95 or contacted work site or made LFO payments.

In 2/96, Mr. Jones was arrested for Failure to Comply (1354); apparently that month he was found guilty of three probation violations. (e.g. 85) Other records indicate that in 2/96, Mr. Jones was sentenced for a probation violation for failure to make payment regarding Legal Financial Obligations; his sentence was for 60 days in jail and he was released for time served. (480) However, it appears that in 3/96, the subject challenged the alleged violations and was released until a 7/96 hearing (681) He was released in 3/96 but arrested for Robbery by 6/96. (1357) [As noted previously, while on release, Mr. Jones was subsequently arrested for both Theft-1st Degree and the sexual offenses noted previously.] It was noted that Mr. Jones had eight prior felonies at that point and that he had never paid LFOs under any conviction to date. (481) Per the DCC in 9/96: "Mr. Jones has never paid a dime of Legal Financial Obligations under any of the causes that the Department of Corrections has supervised. He has seldom had legitimate

salaried employment in the community that would allow for payroll deduction and most of the time since sentence has been spent in jail or prison.” (482)

Records indicate that Mr. Jones was assessed as Chemically Dependent in 11/97. (1504) In 6/98, Mr. Jones received another infraction for a variety of behaviors. (1544, 1499)

In 12/97, Mr. Jones participated in a Sex Offender Amenity Interview regarding entry into the Sex Offender Treatment Program (SOTP). Per the evaluator, “Though Mr. Jones was found guilty by jury trial, he remains adamant that he did not commit the crime for which he was convicted. He is reluctant to talk about his offense or anything related to it although he did admit to having an alcoholism problem which he has received treatment for in the past. He also indicated that alcohol or drugs did not enter the picture on the night of the alleged incident. Due to his denial of the crime and his rejection of his need for treatment, he is clearly not an amenable candidate at this time.” (2434) That same month, Mr. Jones signed a form indicating that he “would [not] like to participate in SOTP at TRCC at Monroe.” (2437)

In 8/98, he received another contraband including miscellaneous magazines, cassettes, a radio and other objects, including 12 yellow pills. (1547) In 11/98, per a CR, it was again noted, “Inmate Jones is not amenable to SOTP.” (1498)

In 1999, Mr. Jones was placed in the Colorado Department of Corrections, specifically at the Crowley County Corrections Center. (1124) During this time, he was noted to have an above average attitude toward work and to perform extremely well at work. (1131) In 9/99, he pleaded guilty with explanation for Unauthorized Possession, which had occurred the previous month (he was found with wire and paper clips and appeared to be a tattoo device). (1134, 1500) He remained in Colorado until at least 4/15/00.

In the current interview, Mr. Jones reported that he was sent to Colorado for approximately “1 ½ years or a year and nine months.” He indicated that he was selected at random from “the cream of the crop of inmates who would be successful,” explaining that his classification status was minimum custody because “I only had one violent offense.”

Around 6/00, Mr. Jones was transferred back to Airway Heights Correction Center (AHCC) in the WDOC.

Records indicate that in 1/01, Mr. Jones was investigated for assaulting another inmate; (1625) he was placed in segregation. He was later released for a lack of evidence. (1347) In 5/01, he reported: "he been angry and frustrated sometimes and sometimes has a cloud over himself and doesn't understand why. Talk about anger stress and P stated couldn't hurt." (1346) As of 11/01, the subject had completed no DOC crime related programming. (1504)

In 1/02, Mr. Jones was awarded a Certificate of Completion of two months of Stress Anger Management from AHCC. (2079) In 11/02, a CR indicated that Mr. Jones was "to be retained" at AHCC for "a psychological evaluation [to be] completed with recommendation for custody promotion." (1508) There is no evidence that such an evaluation subsequently occurred.

In 7/03, Mr. Jones filed a civil suit against a CO from AHCC alleging several violations of his constitutional rights. The subject was per se, representing himself. The issue involved Mr. Jones accepting the offer of food from another inmate at a meal. Mr. Jones was instructed by the CO to throw the food away and leaving the dining hall. (1081-1088)

In 9/03, the WDOC closed supervision on Mr. Jones for Burglary-2nd Degree sentence from 10/92. (486)

Records indicate that Pamela Jones, Mr. Jones' wife, called the WDOC to inform that Mr. Jones' mother had passed away. (1341)

In 4/06, records indicate that a referral for a Psychological Evaluation was sent in. (1345)

In 9/06, Mr. Jones received sanction for an infraction of Incomplete Extra Duty Assignment. (1544-55) In 5/07, received sanction for an infraction of Unauthorized Meeting, relative to a letter the subject had written to a court regarding smoking policy and left in a common area. (1564) Other records indicate that Mr. Jones was suing specific officers in the WDOC in 2007. (1340)

In 1/09, Mr. Jones received sanction for an infraction of Sexual Harassment and Intimidation. Per records, the subject approached a female nurse and told her that she "was doing a good job. The next day the inmate touched my arm and stroked it down to my wrist as he handed me another note that stated he wanted me to be his friend and also asked me to write him letters while he was incarcerated here. I informed the inmate his behavior was inappropriate. The inmates actions made me feel very uncomfortable and frightened to go to work." (1568) Mr. Jones indicated that the information was not true and pleaded not guilty. Apparently, the same incident is referenced as Sexual Harassment and Coercion. (1571)

Later in 1/09, Mr. Jones received sanction for an infraction of Giving Items of Value (apparently clothes). (1574)

In 2/09, the subject was transferred from AHCC to Coyote Ridge Correctional Center. (1336) In 4/09, WDOC staff again spoke to Mr. Jones about the possibility of participating in SOTP; "Offender stated he would like to think about it and get back to me." (1336)

In 5/09, Mr. Jones received sanction for an infraction of Sexual Harassment and Intimidation. Per records, the subject dropped off a note to a woman who worked in the legal library; he apparently indicated that he would not submit a grievance "if she chose to work it out with him at the lowest level." It is indicated that the subject "accused Ms. Gilbert of accepting affectionate letters and giving legal advice." The woman felt intimidated and reported at that time that on two other occasions Mr. Jones had given her a note of some sort. (1589)

In 1/10, the subject was denied work release as an "untreated sex offender who had refused treatment." (13335) In 5/10, Mr. Jones reported, "...he has no community supports for releasing to. P mentioned that neither his children/brother are able to render him the assistance that he needs either in County of Origin, or other county release." (1334) In 5/10, he was denied release because "it would not contribute to establishing an approved, sustainable release plan." (1334) Records reflect that it was difficult to find housing that would accept Mr. Jones with his record as a sex offender. (e.g. 1334) In 6/10, Mr. Jones was reviewed by the End of Sentence Review Committee (ESRC) and was determined to be a Level 3 sex offender and was referred to a subcommittee for consideration for civil commitment under RCW 71.09. (1332) Later that month, Mr. Jones was terminated from

his job in the kitchen. It was noted that he had missed work and was supposedly sick; however, he was found in the music room "talking to the music instructor during the time he was supposed to be laid in." He was found guilty of the infraction. (1331)

After approximately 13 years of incarceration for his 1997 convictions, Mr. Jones was to be released from the Washington State Penitentiary (WSP) on 9/9/10 for his convictions for Rape and Unlawful Imprisonment; at that time, he did not have a proposed release address. (2103) The subject indicated that his brother was his only "support system" but that he could not help and that his adult children were not in a position to assist him. He did not think that he would have trouble with finding work. (2104) Records from 8/10 indicated that while his offense had been in Spokane County he was to be released to Grant county because he would have greater resources available to him, including a place to live, treatment resources, potential employment, and strong family and community support. (2107)

After being evaluated for candidacy as a SVP in the fall of 2010, on 10/7/10, records note: "The ESRC has reviewed the Forensic Psychological Evaluation that has concluded the offender Does Not Meet Criteria for Civil Commitment." (2178)

Over the summer and fall of 2010, the WDOC attempted to find placement for Mr. Jones; in 10/10, housing was found in Yakima. (1329) Other records indicate that the subject released to Yakima County because of a number of resources in that county, specifically a place to live, treatment resources, and strong community support. (2111) Mr. Jones was released on 12/9/10 (his authorized/actual release date). Subsequently, Mr. Jones was released to serve a 36-month period of community release at the time of his ERD (indicated to be on 9/9/10). (e.g. 2170) He was required to register with law enforcement and was identified as Risk Level III sex offender. Mr. Jones was to have 36 months of supervised release. On that date, his CCO informed him that he continued to have "Court ordered sex offender tx so told him he needs to save his money for the poly and eval because DOC is paying his rent for 3 months so he can do this." (1326) Mr. Jones was ordered to report weekly to his CCO. Within two weeks, Mr. Jones reported that he drank two beers; "he was not sure if he could or not. Explained to him again no alcohol use so gave verbal reprimand for the drinking." For the next month, Mr. Jones reported that he was looking for work but that he had

been unsuccessful and that he was attending church; the subject was reminded he could have no contact with minors and needed to inform the church about that condition. (1323-4) There were reports from an elementary school on several occasions that Mr. Jones was seen around the school on multiple occasions, which the subject adamantly denied. According to CCO report, in 1/11, Mr. Jones reported that he was doing "all right socially" and "getting relaxed in Yakima." He reported no problem with our goal or drugs. I (2279) In 2/11, Mr. Jones had a discussion with his CCO about "what he needs to be asking ladies who come over to his place, etc. to help protect himself to not get caught in something he shouldn't be doing." Later that month there was a report that Mr. Jones was attempting to "sell off his property, has been both using drugs and alc." (1321) His landlord indicated that there were "ladies" "spending days at a time" in Mr. Jones room and that the landlord no longer wanted to rent to him. This was a problem because it was the only residence that would rent to Level 3 sex offenders "so he is pretty much screwed. He didn't realize that, he said he is going to have to talk to Kurt tell him he will stop having ladies spending the night. P absolutely denies any alcohol or drug use. Mr. Jones admitted that he had spent his money from prison "unwisely" and now did not have funds for polygraph and sex offender treatment. In 3/11, he reported difficulty finding employment due to his last conviction and his age. He also continued to report no problem with our goal or drugs. Early in 3/11, Mr. Jones submitted to UA and tested positive for THC; he was now shifted to daily reports to the CCO. (1321) A few days later, the subject again tested positive for THC, but denied that he had used marijuana. He finally admitted to using and Mr. Jones was arrested for use. His landlord agreed to take him back. (1320) Mr. Jones received a negative sanction and he agreed that he "had a problem and realizes it. He said when he is watched very closely he straightens up but give him a little slack then he manipulates a little at a time and enjoys or gets excited by getting away with what he is doing. He said he needs help dealing with this." (1319) He was released with credit for time served and moved to a motel. Mr. Jones failed to show up to a scheduled CD evaluation in 4/11 and claimed that he had forgotten about it. (1317) At the end of that month, he was given a list of Yakima CD Treatment Centers. (1316) Also, in 4/11, the subject reported doing better with his social life but continued difficulty finding jobs (2283) In 5/11, he reported that he was still looking for a job and that he continued to abstain from alcohol and drugs. It was noted that a comprehensive mental health a report and chemical dependency evaluation was scheduled the following week. (2285)

In 5/11, it was noted that Mr. Jones attended a Drug and Alcohol Evaluation with K. Dawson and was diagnosed with Substance Abuse. It was recommended that he attend 9 weekly sessions of an Abuse Program. (2456) Later that same month, an Assessment Summary from 5/11 noted that Mr. Jones was characterized by self-reported recurrent substance use resulting in a failure to fulfill major role obligations, recurrent substance-related legal problems, and continued substance use despite persistent/recurrent social or interpersonal problems caused by use. Per the subjects' self report, he was diagnosed with Cannabis Abuse and denied use of alcohol. It was recommended that he participate in a Substance Abuse program and reported that he had agreed to accept the recommended treatment program. However, it was also noted that Mr. Jones was participating in the assessment in relation to a legal charge and "Client stated that he does not feel that he needs to do treatment. Client stated that he has been able to stop in the past due not wanting hurt his body and mind." (2458-9)

Also, in 5/11, a church that Mr. Jones was volunteering at indicated that they thought he had only one conviction; they had been planning to have him work with teens to not get involved with gangs. (1315) In 6-7/11, Mr. Jones claimed that he was "doing ok" and volunteering at the Vineyard Church. In 9/11, it was noted that he had been released from jail in 8/11 after being found with a dirty UA, a violation of his conditional release. (22)

After an indigency approval, on 6/11, Mr. Jones participated in a maintenance polygraph to determine if he was in compliance with terms of supervision since 12/10. He was found to be "Deceptive" to a question regarding consumption of alcohol. When questioned about this he claimed that he consumed "non-alcoholic" beer with a friend and that he had not consumed any "true" alcohol since 1/11. He denied any alcohol consumption. (2410) After this test, Mr. Jones failed to report to his CCO. He later reported and admitted alcohol use. (1313) At this time, the church was apparently paying for Mr. Jones' rent; also in 8/11, he was denied SSI benefits. (1310) Also, in 8/11, the subject's UA tested positive for amphetamine/methamphetamine; however, he claimed that he had not used such substances and that he had shared rolled cigarettes with others. Subsequently he was arrested and jailed on 8/3/11. He told a CCO "...he had no one to blame but himself for making poor choices." (1309) He negotiated a sanction for 30 days in jail minus time served and was released on 8/31/11. On 9/7/01, his UA tested positive for marijuana although Mr. Jones said that he had not used; Probable Cause was approved. (1308) He was to serve 60

days in jail and to enter into a CD treatment program within 2 weeks of release from jail. The subject pleaded guilty at his third hearing process on 9/21/11; a deferred decision resulted. (1305) Apparently, Mr. Jones appealed the sanction but a Regional Appeals panel affirmed the sanction in 10/11. Records indicate that Mr. Jones was released from jail in error but was taken into custody after he failed to register. (1302)

As noted previously, on 9/9/11, Mr. Jones was arrested on suspicion of Rape 1st Degree and Unlawful Imprisonment in Yakima County. On 9/21/11, he had his third administrative hearing and his community custody status was revoked. He was ordered to serve the remainder of his prison sentence in total confinement. His incarceration for the current cause will end on 2/13/13.

In the current interview, Mr. Jones was asked to comment on his experiences while incarcerated in the WDOC. He stated: "It's been a rescue source. The highway that I decided to drive down has been a hard one and my mistakes have been long-term. The Department of Corrections has been just that. It's been a source of Corrections."

In the current interview, Mr. Jones was asked to comment on and explain his history of infractions while incarcerated; he initially stated: "I've had some problems. I don't remember the number. The things that I remember were problems with female staff. At Coyote Ridge there was a librarian -that led to my transfer to Walla Walla. We became acquainted. It always boils down to the inmate doing the wrong thing. I confessed that it wasn't just me, this staff took me to places where inmates don't go alone. There was a relationship of types." He was asked why the librarian would have reported him if it was a mutual relationship. Mr. Jones stated: "She told me that what we were doing was inappropriate and that someone else had reported it. She warned me that I needed to let it go, but I wasn't going to just let it go, so I wrote a letter to her, trying to patch up things. She saved herself and cured the problem."

The subject was asked if this type of issue had occurred on other occasions. He stated: "There was one here with a woman at AHCC. I'm not trying to blame them. I approached or initiated to start a relationship with the individual. It takes time, communication, and working together. I was helping with inmates who were bedridden in medical. The same thing

happened, I talked to her, asked her what was going between us, She said she was unsure, but she was okay with it. I wrote her note and asked her what was going on between us. She let me know she was married and she didn't know what was going on. I was pulled in by staff at some point, because it was probably reported by others, then they pulled her into an investigation. Then they determined that I should be terminated and gave me an infraction. They sent me Coyote Ridge, I believe they terminated her because she was part-time." Mr. Jones was asked and did not remember any other similar issues. We discussed the reports of these and other similar incidents. He then agreed that this had occurred at Coyote Ridge. He then remembered an incident at Pine Ridge and stated: "I think that was first, I was friendly with a night worker."

Mr. Jones was asked what else he had been infracted for other than issues with female staff. He reported: "From bartering, I've had articles of clothing, sometimes several hundreds of dollars worth of clothes. Here they put me into seg." He continued: "Also I do a lot of legal work in here. I petitioned in '02 or maybe '03-'04, for a civil class action Federal Complaint about staff tobacco use. It went pretty far, the AG investigated and it ended with smoking only permitted for guards in perimeter areas. I was seeking class action, but that's not allowed in the DOC." Mr. Jones was queried about his recollection of another civil liberties suit but he said he only had a vague recollection of this." When asked about additional infractions, the subject could not remember others. He was asked about an infraction involving a shank.

In the current interview, Mr. Jones was asked about programming while incarcerated. He reported that before his 1997 incarceration, "I did lots of programming. From '85-'88, all through the '80s-'90s, I programmed every place." After his 1997 incarceration, he indicated that he had participated in Anger/Stress Management on several occasions, Jobs ("to be qualified for employment", "I did something in Colorado," "I did the Getting it Right program," and "3-4 others." I don't remember the names of them but they had to with my crime." Mr. Jones was challenged that it would seem that all the programming he had done had had little effect on his behavior when he returned to the community. He replied: "I would agree. It's not much training, they're like classes so it's a little bit of class participation, maybe if you put your mind to it, there's something there but they really don't make

much difference when you're in the streets. It's all done by inmates, the instructor doesn't have a heck of a lot to offer."

Relative to sex offender treatment, in the current interview, Mr. Jones reported that he had participated in a Sexual Deviance program. He was asked to describe it. He stated: "It was a lot less than what we've done here. This is more detailed in terms of our back and forth, it's informative. You don't get that when you're in class. We all just shared information about where we were from, our lifestyle, what we were planning on doing, marriages, our own children, how we feel about the victim, why do we think it happened, like that. It was at Walla Walla. It was actually better than most classes. I learned more in that class than any other, but I learned the most from talking to other inmates about my crime."

Mr. Jones was asked about records indicating that he had declined to participate in SOTP. He stated: "Did I sign a paper saying no, yes. What that meant was that I didn't need to do programming. It was my understanding that my participation in Walla Walla was sufficient. I was told that not doing Twin Rivers would not affect my ERD." Mr. Jones was asked about the statement that he was not amenable to SOTP; he replied: "People don't understand that if you appeal, it doesn't mean you are denying crime. I've never denied my crime [against JL] except at trial."

Currently, it appears that Mr. Jones was returned to the WDOC to serve remaining prison time on his 1997 sexual offense convictions and will complete that in 2/13. He has community supervision time remaining on those convictions so will remain under such supervision as he was under when he was released in 12/10 for approximately two years.

Past Psychological and Other Evaluations:

For an individual who has been arrested and convicted of criminal behavior as often as Mr. Jones has and who has been incarcerated as much time as he has, there are surprisingly few evaluations of any type available in his existing records.

Per a PSI from 6/75, Mr. Jones "Although his grades through school were marginal and barely passing, he seems to have a fairly good amount of

native intelligence.” Records indicate that the subject scored 101 on the Beta test, indicating average intellectual ability.

Mr. Jones completed the Minnesota Multiphasic Personality Inventory, apparently around 1975. He produced a valid, non-defensive “9/4” profile. Per Graham (1977), persons with such response patterns were described as follows:

“The most salient characteristic of individuals with this profile "is a marked disregard for social standards and values. They frequently get in trouble with the authorities because of antisocial behavior. They have poorly developed consciences, easy morals, and fluctuating ethical values. Alcoholism, fighting, marital problems, sexual acting out, and a wide array of delinquent acts are among the difficulties in which they may be involved. This is a common code among persons who abuse alcohol and other substances. Persons with this profile "are narcissistic, selfish, and self-indulgent. They are quite impulsive and are unable to delay gratification of their impulses. They show poor judgment, often acting without considering the consequences of their acts, and they fail to learn from experience. They are not willing to accept responsibility for their own behavior, rationalizing shortcomings and failures and blaming difficulties on other people. They have a low tolerance for frustration, and they often appear to be moody, irritable, and caustic. They harbor intense feelings of anger and hostility, and these feelings get expressed in occasional emotional outbursts." Further, such individuals "tend to be ambitious and energetic, and they are restless and overactive. They are likely to seek out emotional stimulation and excitement. In social situations they tend to be uninhibited, extroverted, and talkative, and they create a good first impression. However, because of their self-centeredness and distrust of people, their relationships are likely to be superficial and not particularly rewarding. They seem to be incapable of deep emotional ties, and they keep others at an emotional distance. Beneath the facade of self-confidence and security, [persons with similar responses] are immature, insecure, and dependent persons who are trying to deny these feelings. A diagnosis of antisocial personality disorder is usually associated with this response pattern.” (p. 74)

Among critical items endorsed by Mr. Jones were that “I have used alcohol excessively.” (2414)

Per an evaluation by a sociologist in 1975: "Jones is a 23 year old black committed from Grant County for conspiring to sell controlled substances and also a probation violation on a burglary second charge... Although Jones does not indicate a militant attitude he does state that by living in a predominantly white area he did seem to feel on the outside of a number of activities while he was growing up but he also states that he and his family were always well received in that area. Although his grades through school were marginal and barely passing, he seems to have a fairly good amount of native intelligence and in conversation presents himself quite well, Jones feels that had there not been economic and marital problems he probably still would be in the auto mechanics course DVR secured for him in Spokane. This seems to be the area of his greatest interest. At one point he also received some training in the plumbing trade while waiting to get into the auto mechanics course in Spokane and states that he passed all of his tests for a work permit as an apprentice. To this point, and with this interviewer, Jones has presented himself in a very calm attitude and indicates that he hopes that he will be placed in an institution wherein he will be able to utilize his knack for mechanics in one form or another. He states vehemently that he does not have a drug problem although he has smoked pot in the past, but not until he was past eighteen years of age, and that if he does have a problem it would be with alcohol. Jones does not attempt to offer any defense for his law breaking activities in the past and feels that he has been given more than a fair chance by the courts, but he also feels that had he been under more strict supervision as a juvenile he would not have had difficulty as an adult. Although he does not feel that 'his participation in the drug conspiracy was such that he could have been tried, he does state that he has received his just dues for other things that he has done... It is recommended that Jones be classified for assignment to WCC Training Center and that he be assigned to plant maintenance direct upon his arrival there. Jones states a desire to perhaps avail himself of some college courses at a later date and he has been advised that, wherever he goes, he should establish a record for himself in a work assignment and then work through his counselor for an assignment school. It is recommended that he receive a minimum term of eighteen actual months." (341)

Apparently in 1988, the subject was again administered the MMPI. (2422, 2423) Again, some 13 years later, his profile remained a "9/4," and the aforementioned interpretation would apply. On this occasion, the test was scored so that a Megargee classification was obtained. The Megargee system

for classifying criminal offenders (Megargee, 1993) has often been found to be a useful typology for individuals facing incarceration. There is considerable research support for the view that the Megargee types are found in both men and women across a wide range of correctional facilities. The Megargee system allows for the classification of about two-thirds of the offender population. Mr. Jones profile was classified as falling into Group Able. Offenders belonging to this group had backgrounds of juvenile delinquency and in particular "hedonistic delinquent group," youth who committed crimes for excitement and/or personal gain. They are typically of average intelligence and came from average and not anti-social or socially deviant families. Persons of Group Able have the ability to form good interpersonal relations with few conflicts. Members for Group Able "were generally active, forceful, and self-assured, with a strong drive for ascendancy coupled with imagination and smooth persuasive verbal skills, but they lack the patience and achievement motivation necessary to achieve their goals through conventional means, as well as the social values and internal constraints that might inhibit their impulsive hedonism. What emerges, then, is a picture of the Artful Dodger, a clever, opportunistic, daring, and amoral person who will risk taking illegal shortcuts to gratify his wants as soon as possible." They typically have report high use of marijuana. Persons of Group Able were "significantly higher than each and every other group on the scales for sociability, social presence, and, unfortunately, self-acceptance[;] the men in Group Able are no doubt charming, popular, and manipulative. Having little desire to change, they probably feel that the best way to cope with prison is to manipulate the staff and the parole board. They are no doubt glib and may appear contrite, but there were no signs of sincere remorse or guilt, and incarceration-induced changes are apt to be superficial and short-lived once the individual is released. Indeed, given their social skills, the men in Group Able are probably frequently reinforced for their attempts to subvert the system and will be reluctant to abandon this habit." Not surprisingly, persons with the Able response pattern are typically receiving positive evaluations by prison officers and consistently receive higher work performance ratings while incarcerated, with some issues around dependability. Per Megargee: "Sad to say, these likable, energetic chaps who create such a favorable impression in the structured institutional setting apparently do not benefit as much as some of the other groups from incarceration and are more likely to get into trouble again when they return to the community. Only [one of eight] group had a worse record of rearrests and Able also had one of the highest rates of reincarcerations. One wonders from these data whether the total impact of

their encounter with the criminal justice system, from arrest through parole, only served to strengthen their identification with criminal values... Unfortunately, the recidivism data indicate that without the external structure, their hedonistic impulses too often lead them into further offenses resulting in reincarceration... Group Able -being sociable, manipulative, and persuasive- would be difficult to work with without some external control over their activities. Of the groups thus far discussed, Group Able would probably be the most difficult to treat in a community or loosely structured situation." Megargee indicated that persons with this profile would likely present well in treatment settings, making the most of their interpersonal skills, perhaps becoming leaders. Consequently, he viewed such offenders as quite likely to manipulate counselors and to quickly learn the language of treatment to affect impression management and staff approval. Megargee opined that such offenders would typically need ongoing intensive, close supervision to adhere to a prosocial lifestyle if returned to the community.

At this same testing occasion it would appear that Mr. Jones completed sentence completion and self-descriptions measures. He wrote that various others would describe him as "too dependant on others," educated, "fairly hard working man," and a "Little to free and defendant of others." (2418) The subject described himself as follows. "...I feel that I'm fairly well stable on most things. I know I work well, and I have a very good understanding of things. I know I'm a little loose minded, and should take care of lots of important things first and then pleasure. But I pretty well got myself together and handle daily life fairly easily. I try hard to satisfy others as equally as I do myself and most surely try to be friendly and honest as possible. In the last 3 yrs especially I've tried very hard to keep myself and all my affairs in one good straight line. I respect other people and their belongings as I do mine. "I feel it is very wrong and it is very painfull to indure the hardships I'am going through now." I feel everyone should be treated fairly, in this case I have not been." (2418-9)

In 11/84, per a Mental Health Screening Report, Mr. Jones was diagnosed with a Passive-Aggressive Personality on Axis II. His Adaptive Functional Assessment was "Poor" but he was viewed as being cooperative per observation; the subject reported no psychiatric history himself. (2445)

In 2/85 as part of alcohol/drug diagnostic evaluation, Mr. Jones (at age 33) reported: "With regards to his upbringing, he said his family was loving, but very religious (Jehovah Witnesses). He indicated that he and his older

brother were the only family members to indulge in illegal activities. He said he was the only family member to have used substances and alcohol... Mr. Jones first started drinking at the age of 20, in 1971. At first, he drank approximately two beers a week. 1974, at the age of 23, his consumption increased to a six-pack a week. His consumption pinnacled in 1977, with a case of beer a week. This pattern persisted until 1981, at which time his consumption decreased to approximately two beers daily, (little more than a half case of beer a week). Mr. Jones reported last drinking in November, 1984... Mr. Jones indicated that drinking has caused him many legal problems. In 1979, when he partook in a second-degree burglary, he was 'under the influence.' He stated: 'I use both (drugs and alcohol), as an excuse to get involved in wrong-doing... a 'starter' or a 'punch' to get going. At the age of 19, in 1970, Mr. Jones began smoking marijuana. He smoked approximately an eighth of an ounce a week. This has persisted through January 26, 1985, the he claimed he last smoked.'" (2237) Mr. Jones also indicated that he had used barbiturates, Percodan and tranquilizers on a few occasions.

According to Mr. Jones' responses to standardized alcohol and drug screening measures, he identified himself as at low risk for drug abuse and as having no evidence of an alcohol problem. However the evaluator opined: "it appears Mr. Jones might suffer from both alcohol and substance abuse. He appears to feel somewhat out of control is concerned about his engagement in illegal affairs when he's under the influence of alcohol or marijuana. To the question: 'What are your goals for treatment/what you expect to gain from treatment?', Mr. Jones replied, 'I expect to gain moral and public respect. I expect to obtain responsibility, and concern for myself and other people as well.' He also stated, 'I believe the treatment best suited for me is to best know myself -- find the reasons why become criminalistic, and why crime hasn't faded years ago.' The evaluator concluded: "I suspect he suffers from both our overall and substance abuse and is very amenable to treatment as indicated by his motivation to solve his 'dilemmas.' His prognosis with treatment is good." (2238-9)

In a PSI prepared in 6/97, it was noted that: "After reviewing Mr. Jones criminal history and his admittances and releases from the Washington State Prison System it was determined that the longest period of time Mr. Jones remanded in the community without committing a new offense was the

period of time from 3-30-77 which was the date Mr. Jones was paroled until 2-29-79 which was the offense date for the 2nd Degree Burglary under the Spokane County Cause #79-1-00291-8. Mr. Jones parole was subsequently revoked on 6-25-81 and he was again paroled on 6-15-82. Mr. Jones then committed the 2nd Degree Burglary on 11-28-85 under Spokane County Cause #85-1-01290-0 and was readmitted to the State Prison System on 3-31-88. He was released from the institution on 3-4-89 and again detained on a parole violation on 6-21-90 at which time the Indeterminate Review Board revoked his parole and ordered him incarcerated until his maximum expiration date of 11-15-91. Mr. Jones was also incarcerated during this time under Spokane County Cause #79-1-00291-8 for the 2nd Degree Burglary which was committed on or about 2-28-79. Mr. Jones was again admitted to the State Prison System on 12-3-92 under Spokane County Cause #924-00250-8 which was for the crime of 2nd Degree Burglary which was committed on or about 1-8-92. Mr. Jones was released from the State Prison System on 8-27-94 and committed the 2nd Degree Theft under Spokane County Cause #95-1-101036-0 on or about 4-15-95 and the 1st Degree Theft under Spokane County Cause #96-1-00114-8 on or about 1-9-96 which he had been furloughed from the Spokane County Jail on when he committed the current offense (903) The

“Per the 6/97 PSI: “When I talked with Mr. Jones about his companions he reported having a number of friends he associates with who he claims to be clean and sober and not involved in the Criminal Justice System. Mr. Jones also reported that the majority of the people he associates with are individuals who abuse drugs and alcohol and live a very dysfunctional life style. Mr. Jones believes that his association with these individuals is the reason for his criminal behavior and for being arrested for committing crimes he claims he did not commit. Mr. Jones was asked to be more specific about this and stated that because he associates with women who abuse drugs and alcohol and have other problems they have made allegations accusing him of raping them. Mr. Jones feels this is the case with the victim [JL] as well as three other women who have filed police reports alleging that he raped them which resulted in him being arrested, however, no formal charges were filed due to a technicality or lack of evidence...I informed Mr. Jones that I had reviewed each of the police reports and had some concern due to the fact, it appears as though in two of the cases including this case, that he coerced the victim to his home by inviting them over to his residence to use drugs and alcohol. Once the victims were either high on drugs or intoxicated it was reported that he forcibly raped them by pinning them

down, choking them and threatening to kill them. I also discovered that the current victim and one other alleged victim were teenage runaways who were extremely vulnerable and two other alleged victims were chemically dependent and easy targets for Mr. Jones to get to his residence using the drugs and alcohol as enticements. It appears this is Mr. Jones' method or grooming his victims." (905)

In 11/97, per a WDOC Offender Profile Report, Mr. Jones was viewed as having a "Moderate" potential for violent behavior; his potential substance abuse was not rated due to "missing data." However, his IQ was noted per Beta-II to be 101 and at the 52nd percentile. Anger Management was noted as a programming need to be considered with Mr. Jones. (2448)

In 12/97, MR. Jones was interviewed about participating in SOTP. It was noted that at that time he denied his sex offense and was appealing his conviction and sentence. It was noted that he had a history of substance abuse, to include both drugs and alcohol. (2432) In that assessment, it was noted that Mr. Jones "did indicate that he was innocent of the charges of which he has been convicted. He stated that the victim's story doesn't relate to him; that 'she's confused me with someone else.' He also stated that if I was to look at his crime record I would see that he has pled guilty on numerous occasions and added, 'This time I'm not guilty and therefore I did not plead guilty.' Mr. Jones comes across in a very casual, relaxed manner. He appears to be experiencing minimal stress in his present situation." (2433) Per the report, "Though Mr. Jones was found guilty by jury trial, he remains adamant that he did not commit the crime for which he was convicted. He is reluctant to talk about his offense or anything related to it although he did admit to having an alcoholism problem which he has received treatment for in the past. He also indicated that alcohol or drugs did not enter the picture on the night of the alleged incident. Due to his denial of the crime and his rejection of his need for treatment, he is clearly not an amenable candidate at this time." (2434) In addition, later that month, Mr. Jones signed a form indicating that he did not wish to participate in SOTP." (2437)

In 11/00, Mr. Jones reported to WDOC staff that "he did not know why he was habitual offender and did not understand why he did the things he had done." (1348)

In 2008, a LSI-R was updated. It was noted: "P takes little to no responsibility for his criminal behavior. He does not have experience living a conventional lifestyle. P does not express any open negativity toward the system, his sentence or supervision upon release. It is noted he has received infractions for failing to follow rules." (e.g. 1802)

The ESRC considered Mr. Jones again in 2010, this time relative to SVP status. Per an ESRC document, the subject was rated a "5" on the Static-99 and an "11" on the MnSOST-R (Minnesota Sex Offender Screening Tool-Revised). He was referred to the ESRC SVP Subcommittee and his recommended Risk Level Classification was "III," indicating a "High risk of sexual re-offense within the community at large," with likely community notification as well as law enforcement. (2151) Another document indicated that Mr. Jones was rated a "4" on the Static-99 and an "11" on the MnSOST-R. (2158) another document indicated that Mr. Jones was rated a "5" on the Static-99 and a "14" on the MnSOST-R. (2158)

In 8/10, Mr. Jones' case was referred to K. Longwell, Ph.D. to complete a forensic psychological evaluation. Originally, the subject agreed to participate but then withdrew his consent. Dr. Longwell completed the evaluation based solely on records that were available at that time. In that report from 10/10 (2379-2304, Dr. Longwell concluded that Mr. Jones had a history of sexual violence. She also diagnosed him with an Anti-Social Personality Disorder and Alcohol Abuse; she concluded that these conditions constituted a Personality Disorder and a mental abnormality respectively. She also rated Mr. Jones on the Hare Psychopathy Checklist-Revised (PCL-R) and he obtained what she regarded as a high score on the PCL-R (28). Dr. Longwell indicated that such a score suggested that Mr. Jones might be a psychopath. In addition, she identified that the subject might be characterized by a Paraphilia NOS and that he might be characterized by sadistic traits. She wrote: "If one were to consider that Mr. Jones committed all or most of the sex offenses for which he was accused, he would qualify for the diagnosis of Paraphilia not otherwise specified. It might also be said that he has sadistic traits associated with a paraphilia diagnosis. He kept his victim captive for lengthy periods of time and choked them, which are signs of sadism. The difficulty with rendering this diagnosis is that given that he was only prosecuted for one of the 4 rapes for which he was accused, it cannot be concluded with a reasonable degree of psychological certainty that he committed those offenses. It does appear that

he likely committed those non-prosecuted sex offenses, and possibly other non-detected sex offenses as he had a similar modus operandi with each case. However, given the lack of prosecution, this Examiner is not able to conclude with certainty that Mr. Jones did commit these crimes. It is concerning that Mr. Jones manages to amass DOC rule infractions for sexual harassment of female staff. However, Mr. Jones' clearly inappropriate sexual behavior toward female staff did not quite reach the level where it could be considered Paraphilic." (2393-5) Dr. Longwell scored Mr. Jones on four actuarial risk instruments (ARI). She characterized him as having a score of "4" on the Static-99R and a "5" on the Static-2002-R. Dr. Longwell identified each of these scores as indicative of a moderate range for sex offense recidivism. She identified Mr. Jones as being appropriately placed in the high risk/high need group of sexual offenders based on his history being positive for the following psychologically meaningful risk factors: sexualized violence; lifestyle impulsivity; resistance to rules and supervision; and grievance/hostility thinking. Oddly, she identified Mr. Jones as scoring a "7" on the MnSOST-R and a rate of 25% for sex offense recidivism. Dr. Longwell also scored the subject on the Sex Offender Risk Appraisal Guide (SORAG) which showed a risk of 55% and 64% for interpersonal violence (inclusive of sexual reoffending) over seven and ten year follow-up periods, respectively. She also found that Mr. Jones was positive for evidence on the dynamic risk factors of the STABLE-2007. Dr. Longwell opined that Mr. Jones' future sexual offending would likely be predatory in nature. However, based on her view that the subject appeared to be a moderate risk for sex offense recidivism, she concluded that Mr. Jones was not more probable than not to commit another sexually violent offense. (2396-2403)

In 10/12, Mr. Jones was scored a "3" on the Static-99R and received a score of "16 on the MnSOST-R. He was again referred to the ESRC SVP Subcommittee for consideration as a SVP. Again, the subject's recommended Risk Level Classification was "III," indicating a "High risk of sexual re-offense within the community at large," with likely community notification as well as law enforcement. (2151)

Psychological Testing and Diagnostic Interview Results:

As part of my direct evaluation, Mr. Jones completed psychological tests; these are self-report tests and their interpretations are based on the respondent's own responses to specific test items. Before discussing the results of the psychological testing, it should be noted that psychological test interpretations presented below (as well as those indicated previously) should not be relied upon in isolation from other information in this matter. The interpretive statements from such tests are primarily computer-generated actuarial and expert interpretations based on the results of the tests. Psychological test results reflect characteristics of persons who provided test response patterns that are similar to those provided by the current subject of evaluation. Although the test results are presented in an affirmative manner, they are probabilistic in nature. Therefore, the reader should examine the test interpretation for general trends and put limited weight on any one specific statement. In the integration and presentation of test data, where the results were unclear or in conflict, clinical judgment is used to select the most likely hypotheses for presentation. The evaluation of any individual, however, is best based upon the consideration and integration of information obtained from a variety of sources, including records, person's history, results from a variety of tests and questionnaires, personal contacts with the individual, and other available data considered relevant.

Testing Results:

Mental Status:

On both interview dates, Mr. Jones was alert and oriented to person, place, date and time. He was well groomed and generally well-spoken; there were occasions where he made statements were somewhat confusing, mostly in regard to who he had been and how he now viewed his life. His eye contact was good. Mr. Jones was engaged and behaved in a cooperative manner with the examiner the entire time of the evaluation. He was talkative and friendly. Mr. Jones' thought processes were goal-directed and coherent. He was able to completed three standardized self-report psychological tests and a questionnaire in a very timely manner. He demonstrated sustained effort and attention with structured tasks and worked independently on the tests.

He asked no questions about any test items. He demonstrated adequate long-term memory relative to matters of personal history but much poorer memory for his criminal history. Per clinical observation, Mr. Jones did not manifest any symptoms of auditory or visual hallucinations, depression or mania. He did not display any overt anxiety during the two days of evaluation. During the two days of evaluation, the subject made repeated comments to the effect that he "now" realized that he had harmed others and that he had always known right from wrong but "that didn't matter to me until later."

Objective Testing:

The MMPI-2 provides a general measure of dimensions of personality, psychiatric symptomatology and information about validity and impression management. I administered this test to the subject and had his MMPI-2 test responses scored and initially interpreted by the Pearson/NCS interpretative computer programs.

From a validity perspective, "This is a valid MMPI-2 clinical profile. However, the client approached the test items in a somewhat defensive manner. His overcautious approach to the items suggests that he is concerned with making a good impression and is reluctant to disclose much about his personal adjustment. Interpretation of the clinical and content scale profiles should allow for his possible minimization of problems."

The clinical scale prototype used in the development of this narrative included elevations on Pd and Pa: "The client's MMPI-2 clinical profile is within normal limits, suggesting that his symptoms and problems are not as prominent as those of most others in mental health assessment settings. However, some personality characteristics he reported, such as irritability, argumentativeness, and a tendency to transfer blame to others, may result in problems at times. He may tend to manipulate others to his own advantage... Quite outgoing and sociable, he has a strong need to be around others. He is gregarious and enjoys attention. Personality characteristics related to social introversion-extraversion tend to be stable over time. The client is typically outgoing, and his sociable behavior is not likely to change if he is retested at a later time."

Regarding treatment, for individuals with Mr. Jones's profile, "He endorsed relatively few mental health symptoms, and he appears to feel that he has little need for mental health treatment at this time. Individuals with this MMPI-2 pattern typically show little interest in changing their behavior. Sometimes such clients are pressured into therapy by outside circumstances. In that instance, their cooperation is minimal and they tend to terminate therapy prematurely."

As is this evaluator's practice in forensic matters, Mr. Jones' MMPI-2 scales were entered into the MMPI-2 Adult Interpretive System, a computerized interpretive program developed by the R. Greene, Ph.D. and Psychological Assessment Resources (PAR), to obtain an additional interpretation of his responses to the test. A particular value of this scoring program is that it "deconstructs" the computerized interpretation typically provided by reports such as that of Pearson/NCS; this allows an evaluator to determine the basis for the interpretive statements typically offered by other reports.

Per the PAR interpretation, several indicators identified Mr. Jones' response pattern as problematic. First, per one primary validity scale "He tends to be defensive and unwilling to acknowledge psychological problems and distress. He is prone to minimize and disregard problems with himself. Self-insight and self-understanding are usually lacking. He is very concerned about how he is perceived by others and typically views emotional problems as weaknesses." Two additional validity indices indicate that Mr. Jones "is underreporting psychopathology to an extreme degree." It is noted that psychiatric patients with indices in this range are resorting to gross defensiveness, repression, and denial, and have a rather pervasive lack of insight into their psychological functioning. Such response profiles are often those found in job applicants attempting to create a favorable social impression. Psychiatric patients with scores in this range are trying to report that they are better adjusted than is actually the case. His underreporting of psychopathology may reflect defensiveness, repression and denial, lack of insight into his psychological functioning, or a combination of these characteristics. Patients with indices in this range may be poor candidates for any form of psychological intervention because they are unlikely to even consider that they might have psychological problems or because they believe or are trying to create the impression that they have few, if any, problems.

Mr. Jones' responses to the MMPI-2 resulted in no significant elevations on

the ten clinical scales, although two scores were just below clinical significance- Scale 6 (Paranoia) and Scale 4 (Psychopathic Deviate). Of note, the subject endorsed a strong need for affection from others, a dimension of personality associated with Histrionic Personality Disorder.

Graham's (2004) interpretation for persons with a "4/6 -6/4" profile (2004) indicates that they are typically viewed as immature, narcissistic and self-indulgent. They are passive-dependent individuals who make excessive demands on others for attention and sympathy, but they are resentful of even the most mild demands made on them by others. They do not get along well with others in social situations and are especially uncomfortable around members of the opposite sex. They are suspicious of the motivations of others and avoid deep emotional involvement. They generally have poor work histories, and marital problems are quite common. Repressed hostility and anger are characteristic of persons with profiles such as that of Mr. Jones. They appear to be irritable, sullen, argumentative, and generally seem to be especially resentful of authority and may derogate authority figures. Such individuals tend to deny serious psychological problems. They rationalize and transfer blame to others and they accept little or no responsibility for their own behavior. They are somewhat unrealistic, and grandiose in their self-appraisals. Because they deny serious emotional problems they are not receptive to traditional psychotherapy.

Mr. Jones also completed the MCMI-III, also a self-report measure, which provides a measure of more categorical forms of psychiatric disturbance. MCMI-III reports are normed on patients who were in the early phases of assessment or in psychotherapy for emotional discomfort or social difficulties.

Similar to the MMPI-2, Mr. Jones' response style was a defensive one; "Unless this offender is a well-functioning adult who is facing minor life stressors, his responses suggest an effort to present a socially acceptable appearance or a resistance to admitting personal shortcomings. Inclined to view psychological problems as a sign of emotional or moral weakness, the offender may protectively deny any unseemly traits or symptoms. This probably reflects either a broad-based concern about being appraised unfavorably by others or an active suspicion of the arcane motives of psychological inquiry." It suggested that a standard interpretation "may fail

to represent certain features of either the offender's current disorders or his character." It was suggested that the subject's scores are typical of offenders "who show the pattern of scores obtained in this report do give evidence of personality dysfunctions. Their scores reflect wish fulfillment, not reality. They respond to MCMI-III items as they would like things to be, rather than as things are." As with the MMPI-2, Mr. Jones' responses are more like those of litigants in child custody matters or job applicants, attempting to engage in a relatively high degree of impression management.

Regarding Mr. Jones' more substantive responses: "...easy conformity, sociability, and denial of emotional problems are among the most prominent traits that characterize this man. Although he goes out of his way to adhere to the expectations of others, particularly those in authority, he does so with a surface comfort and equanimity. Especially notable is his resistance to admitting psychological problems. Avoiding criticism and derogation, he is self-denying and unassertive, expressing self-blame when his behavior transgresses acceptable boundaries. Although he may sometimes have oppositional if not cynical feelings, he hesitates expressing them lest he lose his emotional control. As a consequence, his more sociable and easygoing style may give way to a more grim and serious-minded quality than he feels. This man is inclined to downplay behavior that could evoke ridicule or contempt. Given his tendency to deny discordant attitudes and to neutralize distressful feelings, this MCMI-III report may not disclose several of his psychosocial difficulties. Because he may hesitate to take risks for fear of making mistakes or appearing unconventional, he is likely to confine his behavior and feelings to those that are safe and socially acceptable...His facade of propriety is usually successful in repressing any negative feelings, but periodic surges of resentment may break through. Should his negative feelings gain expression, he may direct them toward himself as a form of symbolic expiation. Ambivalence toward those on whom he depends may periodically interrupt his surface composure."

The Grossman facet scales are designed to aid in the interpretation of elevations on the Clinical Personality Patterns and Severe Personality Pathology scales by helping to pinpoint the specific personality processes (e.g., self-image, interpersonal relations) that underlie overall scale elevations. A careful analysis of Mr. Jones' facet scale scores suggests that the following characteristics are among his most prominent personality features: "Most notable is his inclination to exhibit an unusual adherence to social conventions and propriety, leading to a preference for polite, formal,

dutiful, and 'correct' personal relationships. He is deferential, ingratiating, and even obsequious with superiors, going out of his way to impress them with his efficiency and serious-mindedness. He may seek the reassurance and approval of authority figures, experiencing considerable anxiety when he is unsure of their wishes or expectations. This contrasts markedly with his treatment of subordinates, with whom he is quite autocratic and condemnatory, often appearing pompous and self-righteous. This haughty and deprecatory manner is usually cloaked by so-called regulations and legalities...Also salient are his histrionic overreactivity and stimulus-seeking, an artificially affected penchant for sensational and short-sighted experiences that is often immature and unreflective. His exhibitionistic and expressive talents are manifested in a series of rapidly changing, short-lived, and superficial affects. He tends to be capricious, easily excited, and intolerant of frustration, delay, and disappointment. Moreover, the words and feelings he expresses appear shallow and simulated rather than deep or real." Thus, for Mr. Jones he presents an image of deference and what he views as "appropriate" behavior for those in authority over him. However, that façade covers up a more labile, sensation-seeking desire for excitement and dominance over others for whom he sees as beneath him.

The MCMI-III is most commonly utilized to provide diagnostic assignments that should be considered judgments of personality and clinical prototypes that correspond conceptually to formal diagnostic categories as listed in DSM-IV. Mr. Jones' responses suggested certain personality prototypes that correspond to the most probable DSM-IV diagnoses on Axis III (reflecting more deeply ingrained and pervasive patterns of maladaptive functioning as opposed to transitory states). Most superficially, he presents himself as rule-abiding, compulsive individual. However, underlying that presentation, the subject endorsed a more Histrionic and Anti-Social set of characteristics.

The results of Mr. Jones' responses to the MMPI-2 and the MCMI-III were relatively convergent. He engaged in significant impression management, presenting himself as a rule-abiding, authority sensitive individual. He minimized virtually all-negative dimensions of personality, denying more explicit self-centered and anti-social attitudes and behaviors.

As part of this evaluation, Mr. Jones was administered the adult male version of the Multiphasic Sex Inventory-II (MSI-II). His test responses were sent to Nichols & Molinder Assessments, Inc. for a standardized, computer-based interpretation. Mr. Jones's MSI-II responses were compared to a nationally standardized sample of (n=1500) mixed sex offenders drawn from a population sample of 30,000 obtained from state prisons, hospitals, mental health centers, probation services and private clinicians throughout the U.S. and Canada. The national sample was standardized to parallel the socio demographic of the 2010 U.S. census by age, marital status, occupation, education and ethnicity; additionally a control sample (n=250) of normal male subjects was drawn to parallel the 2010 U.S. census and therefore to match the criterion sample of sex offenders. A specific interpretation of the Multiphasic Sex Inventory-II was obtained, a general sexual deviance interpretation.

Relative to Mr. Jones' test-taking approaches, he approached the test questions with care and consistent responding: "He scored in the acceptable range on the internal/external check points which suggests he was careful and followed directions well. His responses were consistent to repeated and parallel items contained within the test. His test results show mixed findings with particular concern in regard to denial about having any interest in sex (wants to project himself as asexual) and having suppressed his past interest and arousal to deviant sex."

Test interpretation identified a number of substantive results relative to Mr. Jones' test responses relative to Sexual Deviance.

1) he admits committing a sexual offense;

2) The Rape Scale assesses a client's level of recognition and understanding of the pattern of his use of force or coercion during a sexual encounter and it was found that this client scored in the Partial Disclosing range on the Rape (R) Scale when compared to the scoring levels of nationally standardized samples of adult male rapists. His scores on the MSI II scales and subscales which assess underlying features of paraphilia disorders related to rape behavior show:

- a. ***Sexual Fantasies (Deviant Arousal)*** - a precursor step in which thoughts of using force and threat to control a victim are empowering and stimulating; in this client's case it was found that ***he does not report ever having sexual thoughts or fantasies involving force or rape;***
- b. ***Sexual Urges (Pre-Assault)*** - a progression which involves planning, anticipation, stalking in which there is a determined search for a victim to rape; in this client's case it was found that ***he denies ever having gone out into the community to seek out someone to force into engaging in a sex act;***
- c. ***Sexual Assault Behaviors*** - a final step in which a purposeful and willful decision has been made and acted on involving physical assault, force, intimidation, threat to get a victim to capitulate and engage in a sex act; in this client's case it was found that:
 - i. ***he is disclosing of having engaged in forcible rape behaviors;***
 - ii. ***he reports he has forcibly raped someone known to him;***
 - iii. ***he does not report ever having raped a stranger;***
 - iv. ***he reports he has attempted rape or raped several times;***

3) he was referred for sexual harassment however, he does not report ever having engaged in sexual harassment behaviors (bothering sex talk, gestures, touching, groping, following, calling, etc.)

4) the Scheming Scale assesses a client's recognition of his use of planning strategies which would minimize the risk of getting caught and it was found that ***he does not acknowledge the planning strategies he used to "set up" his offense behavior;***

5) the Superoptimism Scale assesses a client's recognition of the anticipation and excitement involved in his offense behaviors and it was found that ***he does not acknowledge or recognize the anticipation and excitement leading up to acting out his offense behavior.***

The second set of measures used in the MSI II are designed to assess sex deviance characteristics using an empirical scaling procedure and may be useful in helping to determine the depth of this attribute after a client has acknowledged engaging in deviant sexual behavior. This method objectively assesses whether the person is inclined to score on some measure more like a particular (criterion) group sample which has a known attribute or more like the (control) group sample which does not. It follows that if the person obtains a score like the group with the known attribute, it is more likely the person will evidence distorted cognitions (thinking errors) and sexual attitudes similar to the criterion sample. Two criterion-oriented scales were used, namely:

1. The Molester Comparison' Scale is an empirically scaled measure using demographically comparable, but distinctly different samples involving admitting adult male sex offenders who manipulate, rather than force their victims (criterion group sample) and normal adult males (control group sample). This scale is equally applicable to both offender and non-offender populations as it contains no personal history (static) or deviant sexual content items. This allows the MC item pool to be imperceptible and generic for all persons including admitting adult male sex offenders and adult male "normal" responders alike. This further provides a standard measurement unit in which a sex offender may score as low as normals (zero score possible) or higher like the sex offender sample. This client's score was compared to both the criterion related and normal group samples and ***the results show he scored in the average range suggesting the level of commonality in thinking and behavior between the client and the reference group of adult male sex offenders is similar,*** (emphasis added)
2. The Rapist Comparison Scale is an empirically based measure using demographically comparable but distinctly different samples of admitting adult male sex offenders who primarily use force during a sexual assault. This scale is constructed with both dynamic and static items and the item pool is essentially non-transparent and contains few sex deviance content items. ***The level of commonality in thinking and behaving between the client and the reference sample finds he scored below a T Score of 40 suggesting the level of commonality in thinking and behavior between the client and the reference group of adult male sex offenders is not similar.***

(emphasis added)

Thus, Mr. Jones represented that his thinking is similar to that of typical or modal child molesters but markedly dissimilar to typical or modal rapists.

Sexual Rationalizations: It is generally recognized that most sex offenders have developed a way to make their sexual misconduct or sex offense behavior acceptable to themselves (rationalize) thereby relieving themselves of responsibility for engaging in inappropriate or illegal sexual behaviors. The MSI II includes measures that assess different types of rationale used to avoid taking personal accountability for some level of sexual impropriety, misconduct or offense behaviors. In this client's case it was found that:

1. he reports he has always known it was wrong to engage in sex activity with an underage person or to force someone to engage in a sex act;
2. however, his responses on the sexual rationalization measures show:
 - a. he used the following rationale to minimize the seriousness of his sexual behavior, i.e., *he believes the allegations made against him have been exaggerated, he made a mistake and he is not perfect;*
 - b. he attempts to explain away his behavior by indicating it happened because of circumstances beyond his control and he had emotional or physical problems, i.e., *he was mixed up.*
(emphasis added)

Relative to Behavioral Findings: "He reports having had some behavioral issues which include manipulative and opportunistic behaviors and stealing. He reports he has hit a mate. He reports he has used illegal drugs and acknowledges having a drug abuse problem. He reports having been in trouble with the law several times. His scores on the Behavior Scales suggest that he has had history of delinquent and acting out problems."

In terms of his sexuality, "He appears to be satisfied with his physical features and general appearance. He reports he is sexually attracted to women. There is no indication that he suffers from any form of a sexual dysfunction and/or desire disorder. With regard to any sexual obsessions or addictions it was found that he minimizes his past preoccupation with sex and he does not report currently being obsessed with sex."

Regarding "Treatment Candidacy," "A client's treatment amenability is evaluated by the degree of openness and disclosure shown on testing, evidence of sustained effort in taking the test, some estimate of contrition offered, and the level of motivation to want to make the necessary changes. ***He was careful and deliberate in his responses to test items but was not fully disclosing. He admits engaging in deviant sexual behaviors. He is reported to have had multiple victims but does not appear to feel ashamed or guilty about his sexual assault behaviors. He does not believe he needs treatment to control his sexual impulses and behaviors.***" (emphasis added)

Per the MSI II Summary, "The information contained in this report is reliable. He reports he has been charged with a sex offense more than once. He is disclosing of having had sex deviance problems involving forcible rape. He does not recognize or is unable to acknowledge all of the behaviors which precede acting out deviant sexual behaviors, i.e., use of deviant sexual fantasy, stalking, scheming/planning how to get away with the behavior and the excitement and anticipation preceding acting out the sexual behavior. Knowing and understanding the extent and importance of these behaviors is critical to learning to control deviant sexual behavior. A person's behavior is governed by their belief system and learning to control deviant sexual behavior is seriously affected by what one believes about how the offense behavior occurred. In this client's case it was found that he has irrational explanations that keep him from being able to take responsibility for his sex deviance problem which is not uncommon with untreated sex offenders. The client reports he has little interest in sex which suggests he is trying to 'look good' sexually on the examination. He may be attempting to convince the evaluator that since he no longer has interest in sex, he no longer has sex deviance problems. His test results indicate he has rationalizations, attributes, behaviors and sexual attitudes similar to those of known sex offenders and the condition of sex deviance may be a component of his personality make-up."

Diagnostic Interviews:

At the beginning of the interview, after signing the consent form, Mr. Jones expressed concern that interview and testing could be used against him which was acknowledged. However, he stated, "I'm just going to tell the truth." He also stated, "What's the probable cause for the state to be looking at me as an SVP?" He wondered why he was being looked at as a possible

SVP, when "the crime I'm currently in for is not a sex offense" and "I don't have a history of sex offenses?" I indicated that as I read his record, he was a person with a history of several arrests for a sex offense and had at least two convictions from 1997 for sexual offending. He agreed that he did have that history of arrests and convictions for sexual offenses.

During the course of the current interview, on several occasions, Mr. Jones stated: "What am I going to do when I get out? I've gotten out before, that's not the issue. I have to figure out how to get out and not come out. I know when I get out, I'm going to be homeless with no job. I need to figure out my direction. I realize I'm old and it's at a late time, but I need to figure out what am I going to do with my life." He also stated: "I'm living proof that people can change late in life." The subject also stated: "I know what's real versus the glitter in life. It's a thin thread of reality, real life, because I've been out of the community...It's frightening. I've got to get a real driver's license, pay rent. I have to figure out a way to separate from my past because I don't have another chance. I'm truly at a crossroads in my life. I'm just glad that I can see it."

In the current interview, Mr. Jones was asked to describe his personality: He replied: "A good one. I think I'm pretty forthcoming. I've had to work on it. Times in my younger day -when I first got in trouble- when I didn't care about anything, if someone had something I'd want it and I'd take it..." Mr. Jones was asked if his personality had changed over time. He replied: "When I first started getting in trouble, I was in denial of what I was doing...The change isn't just recent. It's been true for a while. No I'm able to look back and realize that I've done bad things. One to twenty years ago, I didn't necessarily feel that way. Then I felt that a woman was supposed to want to have sex with me...Like with drugs or alcohol. It's not the reason. I know it's wrong. The situation is different. I knew it was wrong, well yes, I knew it was wrong but I did it anyway. I can't lie. I won't lie. I've learned that what I did was wrong, but I knew that what I did was wrong. When I was with JL, I knew that she was not my wife or girlfriend. I knew I shouldn't have sex with her or force her to have sex with me. I didn't care and I did it anyway. Why did I do it then? I don't know, I try to justify what I was doing, either I would get by or that it would be harmful to her or me. It didn't enter enough into my mind so that I wouldn't do it back then." He continued: "I came to be different, it's two-folded. One reason, is that people have come in and said Mr. Jones that was wrong and we're going to put you

away. We're going to put a consequence on you. Second, through that experience, I've learned what was right or wrong and that things were harmful. Now I know it was harmful. I went through a learning process of the harm I caused myself, society and the person I did it too. I mean I knew it was wrong but I didn't think it was harmful...A lot of my history is not understanding my mistakes and then having someone over me –authority- in control so that I behave, like in here...I don't know what's going to happen when I leave here. Am I going to be able to live in society? I've had few problems in prison, I'm a model prisoner.

In the course of talking about changes in his personality, Mr. Jones stated: "Maybe I do need to talk to someone about what I'm going to do when I'm back out on the streets...I'm not a sex predator but I committed a sex offense." I've gone to classes, learned about what I did and I've shed tears over what I've done." As noted previously, Mr. Jones stated: "A lot of my history is not understanding my mistakes and then having someone over me –authority- in control so that I behave, like in here...*I don't know what's going to happen when I leave here.* Am I going to be able to live in society? I have few problems in prison, I'm a model prisoner. I don't know." (emphasis added)

I administered sections of the Personality Disorder Interview-IV (Widiger et al., 1995). In particular, I administered sections of the interview, which covered the dimensions related to Antisocial and Narcissistic Personality Disorder. In this format, Mr. Jones acknowledged the presence of a number of anti-social and narcissistic traits. The subject was also interviewed about various aspects of psychopathic traits using a semi-structured interview (e.g. Hare, 2003; Gacono, 2000). Here, too, he acknowledged a number of such traits.

In the current interview, Mr. Jones stated: "I've been in trouble as a teenager. I used to steal. I was caught stealing in Safeway and brought home to my parents, the manager and my parents talked to me. That was in the 5th grade, about 12." Mr. Jones admitted that he continued stealing after this saying: "Yeah, I was stealing candy bars like 'Mr. Goodbar' and crab meat; he also acknowledged that he continued to get caught. The subject also admitted to using slingshots to shoot rocks against cars in parking lot of Safeway. He stated: "Vandalism, I was charged with Malicious Mischief. I got my tail whipped by dad for that one. Now I can connect the dots...Then I

started stealing money from the credit bureau in Grand Coulee. I broke in one morning and stole some cash. I got caught, but they couldn't prove it. I broke into the elementary school and stole an American flag. I put it in a pole outside my brother's trailer. They took me to Okanogan County jail, and booked me on Theft... I went to Court. I was late 18-19." Mr. Jones was asked what his first arrest was. He stated: "I'm not sure if my first arrest was at 15. It was either Safeway or I'm not sure." At first, the subject did not Remember his arrest for drunk driving." He state: "I do remember that I ran from the police, when I was driving and I lost my license for 90 days."

Mr. Jones was queried about his history of conduct disorder. He admitted to incidents of vandalism such as the Safeway and thought he might have threatened others, although he said that he couldn't see himself as much of a bully. He admitted to extensive stealing, indicating that he stole candy or other things from Safeway more than once a month, saying: "I wanted to eat candy in front of guys in my class." When asked if he had lied in order to obtain goods or to avoid obligations, Mr. Jones smiled and laughed saying: "Yeah, to my parents, my friends, to stay out of trouble."

Relative to the traits of Anti-Social Personality Disorder, Mr. Jones acknowledged his history of frequent arrests for varied criminal behavior. When asked if he would describe himself as criminal -as "someone who often breaks the law," the subject stated: "I would have to say yes, to be honest, I would have to say yes."

Mr. Jones admitted to using aliases, replying: "Yes, Johnny Jones, John Jones, also different middle names, Earl, Edward with the John." He could not identify a reason why he used his variations of his brother's name as his alias. Mr. Jones denied that he felt it was necessary to often break the rules, but acknowledged that he had had done so frequently. He did not think that others would describe him as a liar, but admitted to "fooling" others to get what he wanted or conning people out of something. When asked if it was easy to lie if it served his purpose, he stated: "Yes," admitted that he was willing to lie to get what he wanted and acknowledged that people have accused him of lying. However, he did not think that lying was a big part of his life (although in the course of the interview, Mr. Jones admitted to lying to his wives, the police, correctional staff and others). The subject also did not think that he was a conman or a hustler and stated, "There's something I wouldn't do to get what I wanted."

In the current interview, Mr. Jones was asked if he was an impulsive person and initially was not sure how to answer that question. When asked if he tended to act without thinking he emphatically stated: "No, I don't act without thinking." However, he continued: "I would need money so I would impulsively steal some tires and sell them for money for beer."

Mr. Jones reported in the current interview that he had been in fights but only in prison. However, he acknowledged that he had been accused of assault. In addition, he admitted that he had on occasions, he had gotten so angry that he had struck his wives. The subject reported that he had a history of being arrested for domestic violence, saying: "It went to court. Me and Cheryl got into an argument, I pushed her. I put hands on her but I didn't strike her. Officers took me to jail and they gave me a summons and released me. It was around '87-'88 in Spokane." According to Mr. Jones, no one has ever described him as short-tempered or hot-headed, he does not get angry often and he does not view himself as being an angry person. Rather, he stated: "It's hard to make me angry...I'm not angry a lot."

In the current interview, Mr. Jones denied being someone who is easily bored; he denied any criminal behavior that resulted from boredom. However, he admitted to doing dangerous things for the thrill of it, stating: "I think so, when we used to go the rocks, I'd dive 70-80 feet. I've jumped on a 750 Harley, drove a vehicle without brakes." He reported he liked to do dangerous or exciting things, saying: "Yea, I did get a thrill out of it. Indeed foolish now." The subject also acknowledged driving while high or drunk (but denied any speeding tickets), taking some risks with drugs (e.g. using needles for injecting cocaine) and risk with sex (e.g. unprotected sex, sex with people that I had just met).

In the current interview, Mr. Jones acknowledged that he had often quit jobs with no plans to take another job and that he had a number of periods where his wives or family supported him. His record indicates that he has also lost jobs because of his frequent arrests and incarcerations. The subject, when asked if he had acted in ways that hurt others, replied: "I think so...in my relationships, I've slighted my wife or girlfriend. I've said things in front of my kids when I used drugs, made comments when my mother said things about my drug use. When you're using drugs, things fall out of your mouth that hurt others." Mr. Jones reported that on occasions he had bought drugs rather than more necessary things. However he denied that he had ever been cruel to others or been seen by others as cold or callous. When asked if he

could identify any cruel aspects to his criminal behavior, Mr. Jones stated: "I think it's cruel to take other people's possessions, cruel to cause other persons to have physical or emotional distress or physical harm or disparities because of an act that I have encroached upon them. I had a hard time accepting that the things that I've done to others, that it hurts others and not just me. I don't know why I didn't realize it but now I do. I wish I could take back everything that I wasn't there for my kids. I was not there for my wife. Cheryl had to raise two kids without money for clothes and so on and I couldn't accept that or see that before." He later stated: "My wives did not like the criminal activities I involved myself in and that I was not working to provide for them." Mr. Jones described himself as a person who has strong feelings, but also agreed that he had previously indicated that at the times he had committed crimes in the past: "I didn't care at the time for some reason." The subject stated: "That's something that has haunted me for a long time. It's hard to make amends for it...I appreciate that my wives and kids are still there for me despite of all my errors. How could I not see that I caused them pain, how blind I was?"

Mr. Jones remarked: "Some of things that have been said about me or written about me are too extreme. Like aspects of [JL's] assault, what she said. No one's ever taken the time to ask my side of the story. I've never said that it wasn't rape. They didn't understand the ramifications of it."

In the current interview, Mr. Jones was asked about his history of sentences. He replied that he felt that all of his sentences were "fair" and "nothing was too lenient." He was queried about his history of appeals given that he admitted to his sexual offending in 1996 and his Burglaries. He stated: "It was always a matter of law. I never contested that anything that I did was wrong. I just tried to make it right...Some of the things that I've done have never been raised in a civil or criminal action." Mr. Jones went on to explain that he went "Pro se, because I liked the language of the law. Plus, I knew what went on. Otherwise when I would explain to another person, like an attorney, they will deliver their own idea of a defense. But I know more about what actually happened." The subject was asked: "When you look back over your life, who or what do you blame for way it has turned out? He replied: "There's only one person to blame, that's myself. I can't blame my parents, maybe the situation could have been better or different. At 18-19, I began more criminal activities. I think because I became more rebellious, I had more vengeance about having to grind, grind [at home] so I'm going to let all this unwind. It was also easier to do wrong versus to do right."

Mr. Jones in commenting on his appeals and his focus on "righting" the process through appeals, indicated that victim reports of his criminal behavior were false. He stated: "Like JL, she came over on her own and took off her own clothes, I didn't take them off, that she said she screamed."

When questioned about being characterized by traits of Narcissistic Personality Disorder, Mr. Jones generally denied that such characteristics applied to him, although he indicated that he felt he was a person of "great skills" and that "somethings I've done because I would be puffed up with pride." He also indicated that he believed that he was a person who would accomplish "great things." He denied feeling entitled or expecting others to do what he wanted them to. He acknowledged taking advantage of others because it was the only way to get what he needed or deserved, saying: "Yeah, I've exploited others. I've bribed and pleaded with others to get what I wanted." He denied that he was a person who lacked empathy. Mr. Jones was asked if he believed that he was unable to recognize or understand the feelings of others. He stated: "No, others' feelings matter to me now. In the past, they didn't. When asked, the subject agreed that he had done things that were harmful, saying: "All's I know is that if I knew today of the harm that I did, then I would never let myself to do the things that I did. No one able to explain why I would do something that I knew was wrong -having sex with an underage girl- and not care about the consequences or harm to her or me." He went on to state: "Why do people do things that are harmful to other people and they know that it was harmful? Today I know better, it's a fabrication."

In the current interview, Mr. Jones reported that he had never participated in any type of counseling, psychotherapy or treatment program. He reported "I never got counseled but I've been through a lot of programming in the prison system." When asked for examples, Mr. Jones stated: "...like learning about the long term effects of sexual abuse. Also, anger management, life skills." When asked clarifying questions, the subject confirmed that all of these programs were "just classes." Mr. Jones confirmed that he had never completed a Chemical Dependency program. He reported "This past time, my CCO sent me for an all-day evaluation but they turned me down and said I didn't qualify for treatment."

Given an opportunity to add to what he had reported, Mr. Jones stated: "I've been thru the ringer. I'm still paying, still bearing that burden for an act or crime that I committed 16 years ago. What am I going to accomplish by tossing and turning over this thing? I don't have to forget about it. This is dredging things up from a long time ago. A lot of what I said in past were cover-ups. I was untruthful. I have changed a lot since then. I'm in a position now to accept what I've done and admit it. My goals is to get out and stay drug and alcohol free. To get with my family and to get them to help me get back into society, get me a job...In the last 16 ½ years, I had nine months in Yakima. I'm going to have somebody, my family get me on track." He continued: "I don't think I'm as bad a culprit as people make me out to be. I've changed a lot. My best closing to you, is in spite of all my criminal history, that's stuff's behind me. I'm not going to lay around and wallow in it. I'm not going to make myself any less in stature. In my last days, I'm going to try to make a difference and changes in my life, to make amends for the error and harm that I've done. Hopefully, I'll never be back in prison. I'll never be back for rape if I do."

Other Areas of Concern:

Relevant Sexual History:

It is notable for a person with Mr. Jones' criminal record and sexual offending history, that there appears to be no information about his sexual history.

In the current interview, Mr. Jones was asked his age at what he considered to be his first sexual experience. He responded: "I don't know. I'm sure that I masturbated before I had vaginal sex but I don't remember the incident. I don't remember the first girl I had sex with...I was 16 or 17 when I started dating." Asked the number of sexual partners, the subject stated: "Wow, quite a few, 23, maybe 30, probably that many different woman that I slept with." In the current interview, when asked if he had cheated on partners or had more than one sexual partner at a time, Mr. Jones acknowledged that he had been promiscuous; he reported that he had had multiple sexual relationships as an adult and that "I cheated on my wives, I had girlfriends and cheated on my girlfriends too." The subject also endorsed using prostitutes "more than once" and visiting strip clubs. Mr. Jones was asked

how old he was the first time that he masturbated. He replied: "I was young, 14 or 15, somewhere around that." He indicated that he masturbated "Not very often." Mr. Jones thought that he might have had some periods of increased masturbation but was not more specific. Relative to his highest frequency of orgasms per week, he stated: "Maybe 5-6 times. Not every day, not 2-3 times everyday. At some times, 6-7 times a week." The subject denied significant use of pornography, stating he once went to a motel with a woman and watched an X-rated movie. When asked, Mr. Jones denied being involved in sexual harassment, stating: "No except for the fact that when I was in the DO, there were those things I told you that are called that...I thought that what I was doing was the proper way to meet women. It all took place over time. I didn't think that it was sexual harassment."

Mr. Jones denied any incidents or patterns of Voyeurism, Exhibitionism, Frotteurism, Fetishism, Cross-Dressing, or Bestiality.

Deviant Sexual Arousal:

No phallometric testing (penile plethysmograph or PPG) of sexual arousal or results of an Abel Screen for Sexual Interest (ASSI) were available to provide collateral information regarding Mr. Jones's sexual arousal patterns. Mr. Jones has apparently never participated in a sexual history polygraph. Consequently, there is no standardized assessment of the nature of his and/or history of deviant sexual history.

Treatment Progress:

Mr. Jones acknowledges and the records agree that he has never participated in, let alone completed, sex offender treatment. He rejected participation in the SOTP at TRCC; he was also judged as not amenable to sex offender treatment due to his extreme denial of sexual offending. The subject reports that he participated in a class on sexual offending that he regards as equivalent to the SOTP (at least in terms of what his Judgment and Sentence require). However, his report of the program was that it was largely educational and effectively led by the inmates as opposed to a trained mental health professional. He reports that it was an opportunity for sexual offenders to discuss their personal and criminal histories, including their

sexual offending history. However, at the time that he participated in that course, Mr. Jones indicated that he was not acknowledging that he had even committed any sexual offenses.

Mr. Jones' current knowledge of issues central to treatment were crudely rated using the dimensions of the Sex Offender Treatment Rating Scale (SOTRS; Anderson et al., 1995) as a guide; for this measure, low scores are associated with no or little progress in sex offender treatment while high scores are associated with significant progress.

Outside of a Court mandate, Mr. Jones has never sought sex offender treatment either while incarcerated or in the community. He was aware that his Judgment and Sentence required him to complete sexual deviancy treatment. However, he declined to participate in the SOTP while incarcerated and he did not make any attempt to find such treatment when he was in the community from 2010-11. It seems clear that even when Mr. Jones is legally required to complete sex offender treatment, he has not done so. There is no evidence in the records that Mr. Jones has ever expressed an independent need or demonstrated an interest in sex offender treatment while in the community. Even now the subject does not believe that he needs sex offender treatment and does not indicate that that is something that he would pursue if released to the community. More broadly, despite a chronic alcohol and drug abuse problem which he has historically linked to his criminal behavior, Mr. Jones has never completed and does not plan to complete a CD or substance abuse intervention, or even to participate in AA or NA. Per his responses to the MSI II as part of this evaluation, Mr. Jones was clear that he did not believe that he needed sex offender treatment or treatment to reduce his risk of sexual reoffending. Consequently, Mr. Jones' actual motivation for sex offender treatment appears minimal. Consequently, he is rated as low in the area of treatment motivation.

Historically, Mr. Jones has denied all of reports of sexual offending, even those for which he has been convicted. In the current interview, for apparently the first time, the subject acknowledged that he committed sexual offenses in 1990 and 1996, although he only acknowledges that he engaged in sexual behavior with minor girls who he admits were legally unable to provide consent. Mr. Jones indicates that on both of those occasions the girls provided consent. While now admitting that he engaged in sexual behavior with adult women that accused him of rape in 1986, 1992 and 2011, Mr. Jones is adamant that none of those incidents was a sexual offense. Rather,

he believes that each of those incidents involved consensual sex between himself and the reported victims. He has no explanation for why these women, who he admits were strangers to him, would accuse him of rape and limited explanations for why each of them left the sexual encounter badly bruised. Consequently, he is best viewed as rating in the low range in the areas of both disclosure and accountability, with ongoing minimization.

As best as can be determined, Mr. Jones denies any sexual fantasies or urges involving coerced or non-consenting sexual behavior. He is seen as scoring in the low range for acknowledged sexual ideation. Similarly, given that Mr. Jones denies raping three adult women who each reported such behavior and that he minimizes the sexual offenses against the two 14 year-old girls (he essentially regard them as only technical offenses, since he believes that they each chose to be sexual with him but that since they were underage, the sexual relations were, in effect, "technically" illegal), it would seem that the subject has little insight into his reported history of sexual offending. Consequently, he is seen as scoring in the low range for insight.

Historically, as an adjudicated sexual offender who denied all of his alleged sexual offenses, Mr. Jones has been viewed as a person who lacked remorse or victim empathy relative to his sexual offending. He now speaks of awareness of the "harm" his actions have caused the two adolescent girls. However, there is minimal evidence that Mr. Jones has acquired a particularly deep or emotive sense of remorse. Thus, he is rated as low in the area of victim empathy.

The subject sees no possibility of his committing a sexual offense. Given what is known about sex offender recidivism and, in particular, as an individual again facing possible civil commitment proceedings and/or release as a Level III sex offender, Mr. Jones appears to possess a very unrealistic and very low appreciation of his particular likelihood to sexually reoffend. Consequently, he would score as low in the area of risk awareness.

Mr. Jones has no knowledge of what constitutes and has not completed a formal, detailed relapse prevention plan (RPP). He is acknowledging that he might be returning to the community with virtually no resources such as employment or a residence and that such a situation will be problematic. He is aware that he has yet to learn how to avoid criminal behavior in the community and is not clear as to how to conduct himself so that he does not

resume a criminal and/or substance abusing lifestyle. Currently, it remains unclear if he has even the motivation to make attempts to avoid circumstances that might increase his risk of sexual offending; clearly, he does not seem to have virtually any resources or plans of any sort that might be protective relative to resuming criminal and sexual offending. Thus, Mr. Jones is rated as very low relative in the area of relapse prevention.

In summary, Mr. Jones is a sexual offender who has only recently admitted that some of his reported –even adjudicated- sexual offenses were just that. He has never pursued significant mental health treatment for either sexual offender or Chemical Dependency. He continues to minimize the extent and nature of his sexual offending. He identifies real concerns about issues related to being released to the community and questions his ability to live a crime free lifestyle. Mr. Jones has no clear motivation to avoid sexual offending and no specific plans to avoid doing so. As when he was released to the community most recently at the end of 2010, the question must remain as to what motivation, plan or abilities Mr. Jones possesses to actually change his engrained and enduring general criminal lifestyle, let alone his propensities to sexual offending.

Release Plan and Estimated Risk of Reoffending:

In the interview, Mr. Jones was asked about his risk of future sexual reoffending. He stated: “I don’t think I pose any risk for a future sex offense...They let me out of the Yakima jail for three days by mistake and I had sex with a woman I met. So I know that I didn’t need to use force to get sex.” He was asked what risk percentage (from a low of 0 to a high of 100%) he would assign to himself relative to his chances of sexually reoffending. He stated: “You’re asking an awful a lot...0 chance as I said. I believe wholeheartedly I will not commit another sex offense.”

When he was released in 12/10, WDOC records indicated that Mr. Jones had no general or family support available to him and it appears from parole notes that that was the case. The subject, in the current interview admitted: “I have not had contact for many years with John and I’ve had no contact with Mike since 2006.” While he reported that he had had contact with his children when released in 2010, he also reported that he had no further contact since his arrest in 2011.

As noted previously, on several occasions during the interview, Mr. Jones made statements such as "What am I going to do when I get out?" Later in the current interview, Mr. Jones was asked what specific plans he had made about his possible release in approximately three weeks. He stated: "***I have more hopes than plans.*** I will release to my sister- in-law, Janice Jones [married to Michael) or I'm still seeking contact with my son, JyJy, Spokane. Both of them are possibilities..." (emphasis added) Mr. Jones acknowledged that he had not had recent contact with his son but reported that he had had a letter from Janice Jones indicating that she would assist him upon his release. He had remarked earlier in the interview that he had no job or residence in place for his scheduled release date.

As noted, earlier in the interview, Mr. Jones had stated: "Maybe I do need to talk to someone about what I'm going to do when I'm back out on the streets...I'm not a sex predator but I committed a sex offense." I've gone to classes, learned about what I did and I've shed tears over what I've done." As noted previously, Mr. Jones stated: "A lot of my history is not understanding my mistakes and then having someone over me -authority- in control so that I behave, like in here...*I don't know what's going to happen when I leave here?* Am I going to be able to live in society? I have few problems in prison, I'm a model prisoner. I don't know."

Evaluator's Conclusion:

It should be noted that psychological conclusions are conditional on the limitations of past and present clinical assessments, measurement error in past and present psychological testing, and the relative reliability of self-report and third party reports. The methodology of forensic and clinical mental health data sources and procedures do not allow findings, inferences or predictions drawn from these sources or procedures to be made with absolute certainty. Consequently, the validity of the conclusions drawn in this report is subject to the limitations of scientific procedures and psychological descriptions, and the impossibility of absolute predictions. When dealing with reports based on risk assessments, a reader needs to bear in mind that the imperfect validity and reliability of the risk assessment means that they sometimes err, both in falsely indicating conditions that are not present and in failing to indicate conditions that in fact exist. All opinions and conclusions offered in this report are with a reasonable degree

of psychological certainty customary within the professional forensic psychology field.

In general, Meloy (1989) has suggested that as a result of the universal coercive context of a forensic interview (e.g., always occurring within an adversarial setting) conscious distortion of information provided during the interview is almost always present. Among other distortions, Meloy speaks to dissimulation or the concealment or minimization of symptoms and information. Such dissembling is indicated by the "suspicion index," most prominently evidenced by a marked discrepancy between experiences reported relative to those apparent in the records or other objective findings. In general, dissimulation -lying- is a highly common, if not, endemic characteristic of both alleged and convicted sex offenders, particularly when queried about their sexual offense history (e.g. Beckett, 1994). As one writer put it "...sexual aggressors have a marked propensity to lie about, deny, and minimize information concerning their deviant sexual behavior." (McGrath, 1990, p. 507) Earls (1992) has noted: "The reticence on the part of the offender is different from most clinical situations...it also poses difficulties when attempting to determine the nature and magnitude of the problem." (p. 233) It must be emphasized that there is no empirical literature that indicates that a clinical interview with a sex offender necessarily provides reliable and valid information (e.g. Becker & Quinsey, 1993). Thus, as Earls (1992) concluded in discussing the assessment of sex offenders: "there is surprisingly little empirical research concerning the reliability and validity of the information obtained in a clinical interview (p. 234)...we can expect the validity of data obtained in the initial interview is fairly low." (p. 235) Sewell and Salekin (1997) provide a good summary of understanding and detecting dissimulation in sex offenders in general. Gudjonsson (1990) showed that "other-deception" or impression-management was particularly characteristic of violent and sex offenders in a forensic evaluation, indicating that they underreported undesirable personality characteristics and psychopathology; he speculated that such persons attempted to give the impression that they were basically considerate people irrespective of what their alleged offenses suggested. Mr. Jones clearly presents in this manner. In essence, across 50 years of behavior and observation, the subject has generally been perceived well when institutionalized, presumably with a goal of obtaining an advanced release. He expresses either regret or frustration at being unjustly caught in the criminal justice system. He makes statements that he intends to change

his ways once returned the community. However, once back in the community, Mr. Jones very quickly returns to his chronic antisocial lifestyle. Historically, he has denied that he has committed sexual offenses of any type. Currently, he indicates that he acknowledges engaging in sexual behavior with each of the women who accused him of rape. However, he reports all of these were "consensual" sexual encounters. He concedes that he made "technical" errors of engaging in sexual behavior with two minor or "underage" females but reports them as desiring or even initiating the sexual contact. Mr. Jones maintains that he has always known such inappropriate behavior was wrong but that he engaged in it nonetheless. Currently, he states that, additionally, he now recognizes that such behavior could be harmful but is unclear as to how this recognition came about.

History of Sexual Offending:

Mr. Jones was arrested for Rape-1st Degree in 6/86 against an adult female; charges were dropped. In 6/90, Mr. Jones was arrested for Rape-Force and Kidnapping of a 14 year-old girl in California; these charges resulted in a revocation of parole and incarceration. In 3/92, Mr. Jones was arrested for Rape-1st Degree of an adult woman; however, the case was dropped. In 8/96, Mr. Jones was arrested and charges with two counts of Rape-2nd Degree and Unlawful Imprisonment. In 5/97, a jury convicted Mr. Jones of all three counts. After a length incarceration, the subject was released from the WDOC in 12/10. In 9/11, he was arrested for Rape-1st degree and Unlawful Imprisonment. In 11/12, Mr. Jones pleaded guilty to Assault-3rd Degree. Thus, Mr. Jones is a person who has been convicted of or charged with a crime of sexual violence

Diagnostic Assessment and Clinical Ratings:

Regarding the presence of a mental, sexual or personality disorder or dysfunction, based upon a review of the records, the psychological testing and the interviews, I would conclude, with a degree of psychological certainty customary in the field that Mr. Jones meets criteria for psychiatric disorders on Axis I of the DSM-IV multi-axial classification system as well as disorder(s) on Axis II.

On Axis II, Mr. Jones has and continues to be characterized by features of several Personality Disorders. A personality disorder is defined as an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture. This pattern is manifested in two or more of the following areas: 1) cognition; 2) affectivity; 3) interpersonal functioning; or 4) impulse control. The enduring pattern is inflexible and pervasive across a broad range of personal and social situations and leads to clinically significant distress or impairment in important areas of functioning. Based upon multiple sources (including the available archival materials and my interviews and other assessments), in my opinion, Mr. Jones manifests characteristics associated with several personality disorders.

As is common, Mr. Jones is characterized by multiple traits of several so-called "Cluster B" Personality Disorders (the unstable, erratic disorders), including those of:

•**Anti-Social Personality Disorder (ASPD)**: ASPD is defined as a pervasive pattern of disregard for and violations of the rights of others occurring since age 15 years. Based upon the available records and his self-report, Mr. Jones meets all 7/7 adult criteria for this disorder during his adulthood, including failure to conform to social norms with respect to lawful behaviors (as indicated by repeatedly performing behaviors that are grounds for arrest); deceitfulness; impulsivity or failure to plan ahead; irritability and aggressiveness (manifested in his history of assaultive behaviors); reckless disregard for the safety of others; consistent irresponsibility; and a lack of remorse, as indicated by being indifferent to or rationalizing having hurt another.

Mr. Jones has reported that he first began stealing (shoplifting) as a youth (he reports being caught stealing from Safeway in 5th grade) and was in trouble with law enforcement prior to age 15. Per the available records and his report, Mr. Jones shows evidence of conduct disorder as an early adolescent.

•**Narcissistic Personality Disorder (NPD)**: NPD is defined by a pervasive pattern of grandiosity (in fantasy or behavior), need for admiration, and lack of empathy. Based on the available records, Mr. Jones appears to meet at least 4/9 criteria for this disorder, including: has a sense of entitlement; is interpersonally exploitative; lacks empathy; and is envious of others.

Thus, Mr. Jones clearly satisfies the criteria for one personality disorder, an **Antisocial Personality Disorder**, as well as significant traits of another Personality Disorders (**Narcissistic Personality Disorder**).

In addition to conceptualizing dysfunctional personality as one or more categories, characteristic personality styles can also be evaluated in terms of dimensions. A particularly relevant personality dimension to be considered with regard to Mr. Jones is that of Psychopathy. Psychopathy is defined by a characteristic pattern of interpersonal, affective, and behavioral symptoms which has an early onset and which characterizes an individual's long-term functioning, resulting in social and interpersonal dysfunction. It overlaps with but is not identical to the DSM-IV category of Anti-Social Personality Disorder (ASPD). Per the PCL-R manual (Hare, 2003), Psychopathy or a psychopath is described as having a distinct personality pattern involving interpersonal, affective, and behavioral symptoms:

Interpersonally, psychopaths are grandiose, egocentric, manipulative, dominant, forceful and cold-hearted. Affectively, they display shallow and labile emotions, are unable to form long-lasting bonds to people, principles, or goals, and are lacking in empathy, anxiety, and genuine guilt and remorse. Behaviorally, psychopaths are impulsive and sensation seeking, and they readily violate social norms. The most obvious expressions of these predispositions involve criminality, substance abuse, and failure to fulfill social obligations and responsibilities.

This construct can be measured via a clinical rating scale, the Hare Psychopathy Checklist-Revised (PCL-R), which consists of two independent factors; factor one measures interpersonal and affective characteristics such as egocentricity, lack of remorse, callousness etc. and a second factor which reflects aspects of personality related to an impulsive, anti-social, and unstable lifestyle. Based upon the available archival materials and my interviews, I rated Mr. Jones on the PCL-R. The respondent achieved a prorated total score of 36 on this instrument. This is well above one research cutoff and above the range (28-32) of another research cutoff reported for this scale in defining an individual as a "psychopath," when both archival materials and direct clinical assessment are available for use. Relatively, this score would place an individual in the upper 1% of male prison inmates. Salekin et al. (1996) have reviewed the literature on the PCL-R via a meta-analysis of 18 studies; they found adequate reliability, moderate to strong

effect sizes and concluded that the PCL-R represents a good predictor of violence and general recidivism.

[Alternatively, it is worth noting that Mr. Jones may be best understood as being classified with **Dissocial Personality Disorder** (ICD, 1992). This personality disorder is defined as one that comes to attention because of “a gross disparity between behavior and the prevailing social norms.” Mr. Jones would appear to meet all of the following criteria for this disorder: callous lack of concern for the feelings of others; gross and persistent attitude of irresponsibility and disregard for social norms, rules, and obligations; incapacity to maintain enduring relationships; very low tolerance for frustration and a low threshold for the discharge of aggression, including violence; incapacity to experience guilty and to profit from experience, particularly punishment; and marked proneness to blame others, or to offer plausible rationalizations, for the behavior that has brought the person into conflict with society. Dissocial Personality Disorder, because it integrates elements of Antisocial, Narcissistic and Psychopathic personalities would appear to be a particularly appropriate diagnosis for this subject.]

Mr. Jones is also characterized by a Paraphilia, classified on Axis I as a type of sexual disorder. The essential features of a Paraphilia are recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving: 1) non-human objects, 2) the suffering or humiliation of oneself or one's partner, or 3) children or other non-consenting persons that occur over a period of at least 6 months. In addition, for most Paraphilias, a diagnosis is made if the behavior, sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning. The paraphilic fantasies or stimuli can be obligatory for arousal and always present in sexual activity. In other cases, the paraphilic preferences can occur only episodically (e.g. perhaps during periods of stress), whereas at other times the person is able to function sexually without paraphilic fantasies or stimuli. In addition, there are periods of time when the frequency of fantasies and intensity of urges may vary substantially.

Some rapists may be characterized as having a **Paraphilia Not Otherwise Specified (NOS; Paraphilic Coercive Disorder or Non-Consent)**, where the deviant sexual interest/behavior centers on a victim's non-consent or sexual behavior being forced or coerced; this is the case with Mr. Jones.

Applying the similar criteria for other Paraphilias, such as Pedophilia, to describe **Paraphilia NOS (Non-consent/Coercion)** would indicate the following criteria:

- 1) recurrent, intense sexually arousing fantasies, urges or behaviors involving sexual activity involving non-consensual, coerced or forced sex
- 2) the individual has acted on these sexual urges or the fantasies, sexual urges or these sexual behaviors have caused clinically significant distress or impairment in important areas of functioning

Mr. Jones has been arrested and/or charged with at least five rapes. Clearly, his has been a recurrent pattern for him. Most of his known violent criminal behavior has consisted of alleged sexual assaults against females of various ages. All of these sexual assaults have been reported as characterized by elements of force (e.g. blocking exits to rooms, struggles, the use of weapons, grabbing victims by the neck, slapping or striking them in the face, kicking their abdomen, choking them, hitting their heads on the floors, typically multiple penetrations, the reported victims are left with multiple bruises). In reviewing the collective details of Mr. Jones' history of alleged sexual assaults there is a considerable amount of behavior that appears sadistic in nature and beyond what he needed to simply subdue his victims. He has attempted or committed rapes within relatively short periods after being released to the community from jail or prison. As he acknowledges, Mr. Jones has been accused of or committing rape despite having access to consensual sexual partners. Mr. Jones's criminal charges and convictions, and his incarcerations are exemplars of the type and degree of impairment that the respondent has experienced as a function of his sexual disorder or paraphilia.

Freund (1990) opined that sexual disorders such as rape and other coerced sexual behaviors reflected disorders of the normal courtship process or mating system. From this perspective, Mr. Jones' history of Sexual Harassment/Intimidation while in the WDOC can be viewed as related to his **Paraphilia NOS (Coerced/Non-Consent)**; both his rapes and his incidents of sexual harassment both involve some element of imposing himself sexually or romantically on unsuspecting or non-consenting females.

The cumulative records indicated that Mr. Jones has been characterized by **Alcohol** and **Marijuana Abuse**, and, in the past **Cocaine Abuse**. He has often or typically reported that his use of alcohol or drugs were an important factor in his sexual and non-sexual criminal behavior. However, when asked about or evaluated for treatment for chemical dependency, Mr. Jones typically reports a low frequency of use and appears to report that there is no need for such treatment. Nonetheless, Mr. Jones meets criteria for Alcohol and Cannabis Abuse and a history of Cocaine Abuse.

Mr. Jones' history of sexual offending behavior appears to be a function or consequence of the convergence of his multiple psychological/psychiatric impairments: his **Paraphilia NOS (Coerced/Non-Consent)**, his maladaptive personality traits defined by his **Personality Disorder**, and his high **Psychopathy**. Mr. Jones appears to view other people as objects such that females, in particular, exist as objects for sexual arousal and sexual gratification. Further, given his deviant sexual interests, his sexual offenses are also accounted for by his personality characteristics reflecting a lack of internal affective controls (e.g. empathy, guilt), deficits in certain internal cognitive controls (e.g. the belief that sexual contact with non-consenting females is acceptable despite social disapproval and repeated sanctions) as well as a striking insensitivity to external controls (e.g. the apparent belief that he will not be caught, a significant indifference to potential sanctions as well as the belief that there is nothing wrong in attempting forced sexual contact with available females, including known female adolescents). Mr. Jones appears to be a highly self-centered and entitled individual, with a diminished or compartmentalized conscience, who has assaulted and victimized adolescent and adult females. He victimized females both when "opportunities" presented themselves as well as crudely "grooming" victims to engage in sexual relations for his sexual gratification.

Per the U.S. Supreme Court's decision in *Kansas v. Crane* (2002), the assessment of mental abnormality needs to include an assessment of whether or not the respondent has a "serious difficulty in controlling behavior." Based upon the available records and direct evaluation, it is my opinion, to a reasonable degree of psychological certainty, that Mr. Jones is characterized by at least one "mental abnormality:" **Paraphilia NOS (Coerced/Non-Consent)**. It is my opinion that this mental abnormality that characterizes Mr. Jones is a condition that affects his emotional or volitional capacity. In

this disorder, an individual experiences recurrent sexual arousal, fantasies, sexual urges or behavior involving coerced, forced or violent sexual activity with females. Per *Kansas v. Crane*, persons who commit sexual offenses as the result of such a Paraphilia demonstrate serious difficulty in controlling behavior (e.g. "...a mental abnormality that critically involves what a lay person might describe as a lack of control.") (p. 7).

The descriptions of Mr. Jones' sexual assaults of his victims and his recurrent inability to control his sexual impulses relative to adolescent and adult females demonstrate that he has had serious difficulty controlling his behavior. It seems clear that when he has had both urges and apparent opportunities to engage in sexual contact with persons for whom he experiences sexual arousal, he has shown a clear lack of control; given opportunity and permissive circumstances, Mr. Jones has acted on his sexual urges, whether the female was younger and someone with whom he is acquainted or a relative stranger that he isolated from others. Finally, Mr. Jones has continued to commit acts of sexual acting despite experiencing repeated legal interventions or sanctions on prior occasions.

In addition, Mr. Jones is also diagnosed with an **Antisocial Personality Disorder**, with significant Narcissistic personality traits (what could also be described as a **Mixed Personality Disorder** or **Personality Disorder NOS**). Among the criteria for this disorder are lack of remorse, reckless disregard for the safety of others and impulsivity; the available evidence suggests that Mr. Jones is characterized by these traits. Lack of remorse and disregard for the safety of others speak to problems in emotional capacity that directly relate to the concept of serious difficulty in controlling behavior; impulsivity as a compromised volition also directly relates to serious difficulty in controlling his behavior. Further, other aspects of his maladaptive personality related to his Narcissism –his entitlement, his lack of empathy for others and willingness to exploit others- also create serious problems for emotional and volitional capacity.

In Mr. Jones' case, per his victim reports, his sexual offending is notable for efforts at grooming to isolate potential victims and then a dramatic change to a violent and degrading presence. Thus, almost as soon as a victim is isolated within a room or structure, the subject almost immediately blocks their ability to leave, makes verbal threats to harm or kill them, forcibly removes their clothes and enacts sexual penetration.

There is little or no evidence that Mr. Jones is no longer characterized by his sexual disorder; paraphilias are generally regarded as lifelong, chronic dimensions of deviant sexual urges, arousal and/or behavior. Similarly, there is little or no evidence that the subject's Personality Disorder and his high degree of Psychopathy are no longer present; generally, such conditions are regarded as enduring ones, largely unaffected by maturation or intervention. Available research would indicate that neither a Personality Disorder nor significant psychopathic traits do not "remit" on their own or necessarily with age.

Mr. Jones continues to be characterized by a chronic or persistent sexual disorder and various maladaptive personality traits, each of which can be strongly associated with self-gratifying and inappropriate sexual offending behavior. Further, in his case, a mental abnormality involving a disorder of deviant sexual urges/behavior exists in conjunction with a Personality Disorder/Psychopathy (characterized by a lack of concern for others and deficits in self-control); this is a particularly dangerous combination relative to both self-control generally and future sexual offending, more specifically. In conclusion, it is my opinion to a reasonable degree of professional certainty, that Mr. Jones is characterized by a mental abnormality and a personality disorder that causes him to experience "serious difficulty in controlling his behavior."

Likelihood of Engaging in Predatory Acts of Sexual Violence- Risk of Recidivism of Violent Sexual Behavior:

A final prong of the SVP statute concerns the likelihood that a person with characteristics similar to a particular respondent is more probable than not to commit another sex offense during their remaining lifetime, detected or undetected. Given the nature of these laws, the likelihood of reoffending or the degree of risk posed by a sex offender does not necessarily involve a person's being legally processed for a new sex offense or even caught for a new offense (e.g. not simply an arrest or conviction) but *rather reoffending per se* (almost all of which is most likely to be undetected).

Clearly, quantifying the likelihood of future sexual offending for persons being considered for possible civil commitment is problematic for several reasons.

First, currently available follow-up studies range from estimates for 5-year up to 25-year periods, not "lifetimes" (the period of time required for consideration for the present purpose).

Second, current research measures future reoffenses predominantly via re-arrest or re-conviction; it is the consensus, if not the unanimous perspective, of scientific research regarding this area, that rates of arrests and convictions for sex offenses "significantly" underestimate the true rate (detected + undetected) of sexual offenses. Further, arrests and convictions are typically by "victim" and not by specific sex offending act; thus, some victims of certain sex offenders may have been victimized on multiple occasions by a perpetrator but only one offense incident is recorded or sanctioned. Available scientific attempts to determine the true rate of actual offenses committed by sexual offenders are obviously problematic for a variety of offender, victim and agency practices.

From an offender perspective, to be forthright and honest about the actual number of such offenses places an offender at risk of additional and more extensive incarceration and other negative consequences. Marshall and Barbaree (1989) noted that relying on the self-report of sex offenders regarding offenses is unwise because such reports are so unreliable. From the same sample, Abel and Osborn (1992) reported that in a controlled study that 62% of paraphilics confronted with their physiologic measurements admitted to paraphilic diagnoses that they had previously denied or not revealed. Abel and colleagues (1987; 1990) studied two samples of "non-incarcerated" sexual offenders who were at large in the community and where a Federal Certificate of Confidentiality guaranteed anonymity. The reports of these studies indicated these individuals reported an average number of sex offense and victims that was *substantially* higher than represented in crime statistics or the existing studies of adjudicated sex offenders. Abel and Rouleau (1990) they pointed out that in the criminal justice system, offenders report only 5% of the sex crimes to which they admit to within the mental health system (also, Kaplan, 1985). Other researchers provided data regarding the self-report of adjudicated sex offenders who had been mandated for intensive sex offender treatment. Weinrott and Saylor (1991) used a computer-administered self-report

evaluation and found that both rapists and child molesters disclosed “numerous undetected sex offenses.” In addition, various investigators have also examined the report of detected and adjudicated sexual offenders either prior to taking a polygraph examination or when provided a greater degree of confidentiality. These studies have consistently found that the official report of offenders “underestimate both the number of victim and the range of deviant behaviors...” Rather, in such evaluations, sexual offenders report “Dramatic increases in the number of admitted victims and offenses” and substantially earlier age of onset of sexual offending from what they had previously reported (e.g. Ahlmeyer et al., 2000; English et al., 2003; Kaplan, 1990).

From a victim perspective, Bonta and Hanson (1994) found that only 10% of sex crime victims reported their sexual assault to the authorities. A Department of Justice (DOJ) study (2002) found that 2/3 of rape victims age 12 and older do not report their victimization to anyone. Most sexual offenses are committed against youth; rape and other acts of sexual violence are predominantly perpetrated on minors. From the perspective of studies of victimization among community residents, the National Violence Against Women (NVAW; 2000) study found that more than half (54%) of sexual offense victims in their sample experienced a sexual offense prior to age 18.

Abel et al. (1987) concluded that the probability of a child molester being detected (e.g. arrested) for a hands-on sex offense was approximately 3%. Moreover, various studies have shown that the lack of reporting of sex offenses is almost uniquely related to children, adolescents and adults who know or are acquainted with the sex offender; that is familiarity and/or relationship with the sex offender is one of the primary factors associated with the large degree of non-reporting and that is particularly true for *youth* who are victims of sexual offending. Thus, research has shown that when persons known to a child (e.g., family members or acquaintances) commit a sexual offense, that sex offense is much less likely to be reported (Craig et al., 2008). Familiarity with the offender is strongly associated with non-reporting and a lack of detection of the sexual offending.

Thus, both offenders and victims report substantially lower rates of sexual offenses than they either commit or experience, respectively.

Even in those limited instances when sex offenses are reported in some manner, such events do not necessarily enter into systems where they are likely to “register” or “be counted.” Over the past 20 years, numerous studies have provided perspective on the degree to which “official” records of arrests and convictions underestimate the rate of true sexual offending. Marshall and Barbaree (1989) further reported that official police records of charges indicated a rate of reoffending 42% *less* than that obtained via unofficial records (e.g. reports to child protection or the police). Similarly, in another study (Marques et al., 1994), it was found that just reviewing parole office records produced a 33% increase in estimates of the number of serious crimes committed by sex offenders (e.g. crimes that were recorded and/or resulted in release violations but were not necessarily charged for more formal prosecution). In addition, research indicates that even when sex offenses are reported, particularly those involving children, less than 70% of those offenses are processed through the legal system. Falshaw et al. (2004) found that collecting evidence of any follow-up/recidivism for offense-related sexual behavior from multi-agency information increased the identification of any sex offense by fivefold relative to just a reconviction rate; the implication of this study was that convictions represent perhaps half of the sex offenses perpetrated by sex offenders. These studies indicate that a substantial number of “reported” sex offenses do not “enter” the formal legal system and/or result in new criminal charges. Even when reported sex offenses do “enter” the formal legal system and/or result in new criminal charges, the “sexual” component to an offense incident or episode may be “lost.” Thus, Rice et al. (2006) recently demonstrated that a substantial percentage of sex offenders’ historical acts of general “violence” (as recorded on their rapsheet or official criminal history) were *actually sexual* in nature. They concluded that counting only “rapsheet sexual” charges and convictions missed *half* of those recorded offenses that were probably or clearly hands-on sexual offenses.

In short, most sex offenses go unreported and undetected; official records of rearrests and reconvictions are particularly significant underreports of the actual frequency of sex offending. Consequently, it is almost certain that all formal measures of sex offense recidivism substantially underestimate the “true” rate of sex offenses subsequently committed by identified sex offenders.

A number of approaches have been developed to provide estimates of the probability of sex offense recidivism for persons with particular

characteristics. These approaches include: base rates; individual risk factors; actuarial measures; structured clinical judgment; and dynamic risk factors or criminogenic needs. Each of these approaches has particular utility relative to providing estimates of the likelihood of sex offense recidivism. Meyer et al. (2001) reviewed the literature on psychological testing and assessment. They concluded that the "optimal methodology... consists of combining data from multiple methods and multiple operational definitions... the quality of *idiographic* assessment can be enhanced by clinicians who integrate data from multiple methods of assessment." (p. 150)

The **base rate** refers to the percentage of individuals in a group with a certain characteristic. Regarding sex offender recidivism, base rate refers to the percentage of sex offenders who reoffend over some particular period of time; the base rate may vary as a function of the nature or composition of study sample (which sex offenders are "available" to be studied), the length of the follow-up, the conditions applied to offenders during the follow-up period (e.g. supervision), the measure of recidivism and other factors.

Doren (1998) provided a review of a number of then existing studies and factors relative to determining the base rates for recidivism in sex offenders. He noted that recidivism studies typically relied upon *re-arrests* or *re-convictions* as measures of sex offense recidivism. Doren stated that either of these outcomes measures would *significantly* underestimate the rate of actual recidivism, since most sex offenses go undetected or unreported.

Doren concluded: "The overall conservative approximation for the long-term sexual recidivism base rates for child molesters and rapists were 52% and 39%, respectively." (p. 108) On this basis, he concluded that these base rates demonstrated that sexual violence is not a rare event but rather that sexual offense recidivism falls in the mid-range of probability. Doren's (2002) later review of the research literature also suggested that the base rate for a future sex offense committed by a child molester, (as measured by simply rearrest and/or reconviction, and therefore a significant underestimate) could be as great as 50% over an extended period of follow-up.

Of particular importance, Doren pointed out that sex offenders being considered for as potential candidates for civil commitment obviously are not simply the "average" or "typical" sex offender. He noted that a *high degree of selectivity already exists among state screening systems for*

referring repeat sex offenders for consideration for civil commitment (e.g. state systems are usually considering between just 1-12% of incarcerated sex offenders for commitment, based on multiple criteria, including risk issues). Given that civil commitment screening procedures identify a quite small group of sex offenders and the moderate rate of sexual offending among sex offenders in general, Doren noted that, among those considered for civil commitment, it will be more likely that many actual sexual recidivists (“true positives”) will be inaccurately predicted as non-recidivists: “In this scenario, the over-prediction of recidivism would equal zero while the under-prediction of recidivism would be very great...*there is a very significant under-prediction of sexual predation when it comes to the commitment of sexual offenders within the sexual predator laws as they are currently implemented.*” (emphasis added; p. 109-110)

One larger analysis of multiple samples has also examined the rates of sex offense recidivism in samples of sex offenders (Harris & Hanson, 2004). These authors studied predominantly subsequent sex offense convictions in 10 follow-up studies of adult male sex offenders (combined sample of 4,724). The mean years of follow-up were less than 11 years for 8 of the ten samples. However, the authors utilized the two remaining samples and particular statistical analyses to calculate likely recidivism rates for future sex offenses. For sex offenders, the rate of sexual recidivism was 24% for an estimated 15-year follow up; this was also the general rate for rapists. However, sex offenders with *just one* previous sex offense conviction had approximately double the rate of offenders without an official history of sex offenses. These authors did not provide information as to the relative increase in sex offense recidivism for offenders with more than one previous sex offense. Harris and Hanson’s study relied primarily on sex offense convictions as their measure of recidivism. Further, the Harris and Hanson study considered a diverse sample of sex offenders “including many low risk offenders serving community sentences” (p. 11, such as SOSA candidates) as well as first-time and incest offenders.

Several unique studies provide some particular perspective on higher risk sex offenders of the type considered for civil commitment. Milloy (2003) conducted a study of released sex offenders recommended for civil commitment in the state of Washington but where no petition for such commitment was filed. Approximately 29% committed a new felony sex

offense that resulted in a criminal conviction during an average follow-up period of just six years. Thus, even using a restrictive measure of sex offense recidivism (e.g., reconviction), Milloy found that a relatively large percentage of presumably higher risk of sex offenders reoffended at an elevated rate during a relatively short follow-up period. More recently, Milloy (2007) updated her earlier analyses. She followed 135 sex offenders who had been screened and recommended for civil commitment in the state of Washington but where no petition was filed and they were released to the community; this constituted an additional 46 sex offenders not included in the previous study. Offenders were followed for a uniform period of 6 years. One-half of the individuals had a new felony conviction; 33% committed a violent but not sexual crime. Of the 135 offenders, 23% committed some type of new felony sex offense that resulted in a criminal *conviction* (84% of this group were arrested for a felony sex offense involving physical contact). Of this last group, 74% were convicted of felony contact crimes such as rape, indecent liberties and assault. *In total, approximately 29% of these sex offenders committed an additional sex offense within just 6 years after being released from detention.* Ten percent of the sample had at least one additional referral for civil commitment by the end of the 6-year period and 4% subsequently received life sentences without parole after new convictions in Washington State. Milloy concluded: "...the distinctiveness of the select population of sex offenders in the current study is clearly illustrated by a comparison of this group's recidivism rates to those of an overall population of released Washington State sex offenders. The offenders who were considered and/or referred by evaluators for possible civil commitment have a much higher pattern of recidivism than the full population of released sex offenders." (p. 8; emphasis added) Thus, Milloy's studies confirmed Doren's contention that the risk of reoffending is higher among that group of sex offenders initially selected for consideration for civil commitment and suggests a particularly high base rate comparison for sex offenders such as Mr. Jones (who have been nominated as a potential candidate for civil commitment).

Thus, the base rate for sexual recidivism for rapists over approximately a 15 year period, by itself, would suggest that someone such as Mr. Jones' likelihood of sexual reoffending is relatively high; the available data suggest that as many as 40% of rapists will be rearrested for another sex offense over a 15 year period of time following release from incarceration. Given the respondent's age of 61, it is useful to examine life expectancy tables. Per the

U.S. Census, life expectancy for black males alive at age 60 is an additional 18.7 years or over 15 years.

Beyond the base rate, the next method for assessing relative risk for sex offender recidivism involves considering those individual or specific risk factors identified by research investigations to be correlated or associated with sexual reoffending. Numerous studies have attempted to identify key characteristics of sexual offenders that are predictive of future sex offenses.

Rice et al. (1990; 1991) found that subjects convicted of a new sex offense had previously committed more sex offenses, had been admitted to correctional institutions more frequently, were more likely to have been diagnosed as personality disordered, had higher psychopathy scores, and had shown more inappropriate sexual preferences. Using largely the same sample followed for a longer period of time (mean of 50 months), Quinsey et al. (1995) found that their previous record of sexual offenses, previous general criminal history, non-married status, PCL-R score, and phallometric deviance index significantly differentiated sexual recidivists. Rice and Harris (1997) showed that sexual recidivism rates for sex offenders were substantially higher among identified psychopaths. Of these, Mr. Jones is characterized by the following: prior convictions for a sex offense; prior violent convictions; prior convictions for other offenses; previous admissions to corrections; previous youth victim; deviant sexual arousal; psychopathy; previous female victim or a previous adult victim. He is not characterized by: never married; previous male victim; or number of male victims. In short, Mr. Jones is described by most of the specific variables that Quinsey et al. found to be associated with a higher likelihood of sexual reconviction.

Sufficient studies of sex offender recidivism have accumulated that researchers have been able to conduct "meta-analyses" or studies of the findings across multiple studies (e.g. studies of existing individual studies). Hanson and Bussiere (1998) conducted a meta-analysis of general sexual offense recidivism studies to identify factors associated with such recidivism as defined by subsequent arrest or conviction. Specifically, the best risk factors at identifying repeat sexual offending were as follows: sexual preference for children ($r = .32$); any deviant sexual preference ($r = .22$); prior sexual offenses ($r = .19$); failure to complete treatment ($r = .17$);

antisocial personality disorder/psychopathy ($r = .14$); any prior offense ($r = .13$); age ($r = .13$); never married ($r = .11$); any unrelated victim ($r = .11$); and any male child victim ($r = .11$). In summarizing their findings, they identified that sexual offense recidivism was best predicted by *sexual deviancy variables* (deviant sexual interests and victim choices such as boys or strangers, prior sexual offenses), *general criminological factors* (younger age, total prior offenses) and *failure to complete treatment (treatment failure)*. *Personality disorders* were also related to sexual recidivism, particularly *Antisocial Personality Disorder*. Most of these factors characterize Mr. Jones.

More recently, Hanson and Morton-Bourgon (2004) selectively updated the earlier meta-analysis. This most recent meta-analysis of risk factors for general sexual offense recidivism would indicate that Mr. Jones would be identified as having issues in the following domains associated with greater sexual reoffending: deviant sexual arousal; antisocial orientation; personality disorder(s); indices of rule violations; and absence/conflicts in intimate relationships.

In short, Mr. Jones appears to be characterized by almost all of the individual risk factors identified by the extant research literature as associated with a greater risk of sex offense recidivism for sex offenders released from custody as adults.

Thus, the recent meta-analyses and other multivariate studies of the sex offender recidivism literature have identified largely “static” or historical factors that are empirically related to recidivism (e.g. Hanson & Bussiere, 1996, 1998; Hanson & Morton-Bourgon, 2004; Quinsey et al., 1995). Following directly from this body of research, risk assessment instruments (RAI) have been developed largely through a so-called “actuarial” methodology; these RAI can be considered as attempts to develop adjusted base-rates for groups of sex offenders with particular numbers and types of easily measured risk factors. Actuarial methods are typically ones that rely on objectively identified factors associated with an outcome of interest; an actuarial scale specifies *which factors* are selected for examination and the relative “*weight*” that factor has as part of the assessment of some outcome. Actuarial scales are statistical means of selecting and combining easily obtained information and examining the degree to which those particular variables are associated with some future outcome (e.g. predictive accuracy).

Starting in the mid-1990s, several actuarial scales were developed that have been repeatedly demonstrated to show moderate predictive accuracy of sex offender recidivism for adult male sexual offenders. More specifically, these actuarial instruments provide estimates of the degree of risk (probability) of sex a future sex offense for sex offenders with particular numbers or degree of risk factors (Doren, 2002; Hanson, 1998; Quinsey, et al., 1998; 2005). Different instruments rely on different “outcomes” to measure sex offender recidivism, ranging from convictions to arrests; other instruments rely on broader outcomes in an effort to address the dramatic under-reporting of sexual offending. In short, actuarial measures have been developed which utilize statistical combinations of a limited number of risk factors and their association with the likelihood of rearrests or reconvictions for different behaviors for varying measures of future sex offenses.

As Meyer et al. (2001) demonstrated the available data indicate that “validity coefficients for many psychological tests are indistinguishable from those observed for many medical tests...what is salient for our purpose is the difficulty one has in distinguishing psychological test validity from medical test validity.” (p. 135)

Actuarial RAIs include the Static-99 (Hanson & Thornton, 1999); the Minnesota Sex Offender Screening Tool-Revised (MnSOST-R: Epperson, et al, 1998; 2003) and the Sex Offender Risk Appraisal Guide (SORAG, Quinsey, et al., 1998; Quinsey, et al, 1995; Rice & Harris, 1997; Rice, Harris & Quinsey, 1990; Rice, Quinsey, & Harris, 1991). At present, actuarial assessment is regarded as a core assessment methodology. There are now sufficient empirical studies in the scientific literature that provide independent cross validation of these four actuarial instruments. According to their meta-analysis (Hanson and Morton-Bourgon, 2004; 2007; 2009), in predicting sexual recidivism among sex offenders, the average predictive accuracy of all the individual risk scales was in the moderate to large range: Static-99 (d. = .67), MnSOST-R (d. = .76) and SORAG (d. = .60). More recent studies, have found that the revised versions of the Static-99R (AUC = .68-.72) and Static-2002R (AUC = .67-.69) have similar predictive accuracies (e.g. Babchishin, Hanson & Helmus, 2012). The 2007 meta-analysis, the confidence intervals for each of these risk scales overlap; this means that their respective predictive accuracies are not significantly different from each other. Therefore, studies published to date indicate that there are at least three actuarial instruments that provide reasonable

predictions of sexual recidivism, with no apparent advantage to any specific test. The use of multiple actuarial measures has been endorsed by multiple individuals (e.g. Hanson, 2008; Barbaree in Langton et al., 2008) based on several considerations. Scientifically, there is no "best" instrument; they possess equivalent degrees of predictive accuracy from a measurement perspective. In addition, since the different actuarial instruments contain unique as well as overlapping variables they each measure recidivism using different sets of risk factors. The relative ranking of risk by the different actuarial instruments may be different for different individuals. Issues in scoring of the different measures will make less of a difference when multiple measures are utilized; multiple actuarial instruments lead to increased reliability in identifying the relative risk of a particular offender. Finally, to the degree that a "set" of (multiple) actuarial measures converge in identifying that an offender is at higher risk, than there can be increased confidence in concluding that that sex offender is at higher risk for sexual reoffending.

On the basis of this consideration of the extant literature, the present evaluation of long-term risk for sexual recidivism will be based on the scoring of several commonly used actuarial instruments, the Static-99, the MnSOST-R and the SORAG, each of which has been demonstrated to have moderate predictive accuracy and has been cross-validated by multiple investigators. In addition, both the Static-99R and the Static-2002R were also considered.

Static-99

The Static-99 is an instrument for measuring sex offender recidivism developed by Hanson and Thornton (2000). The variables in the Static-99 can be grouped across five dimensions: sexual deviance, range of available victims, persistence or lack of deterrence, anti-social behavior patterns, and age. Using the indicated point assignment for this rating tool, Mr. Jones received a score that places him in the "high" category of reoffending. Using the original norms, this score is associated statistically with about a 52% likelihood of being *reconvicted* for a new sexual offense over a fifteen-year period post-release from incarceration, with some degree of error surrounding this approximation.

The Static-99 also relies on some idiosyncratic definitions about certain risk factors (e.g. "prior sex offenses" does not simply refer to the number of

previous sex offenses or sex offense acts). In addition, all of the most recent set of sex offense arrests and convictions are collapsed into "one offense cluster." Further, recidivism is defined primarily by reconviction (because rearrest data was not available for UK samples). Based upon this last limitation, Hanson and Thornton acknowledge that scores on the Static-99 are likely to significantly *underestimate* an individual's true likelihood of sexual reoffending, particularly for time periods longer than 15 years. Hanson and Thornton (2003) provided ranges of estimates of actual (detected + undetected) sexual offending for persons with particular scores on the Static-99. For a person scoring in the "moderate-high" category, per Hanson and Thornton, the range of estimates for sex offense recidivism would be from 66-95% over 15 years. Thornton (2009; 2010) has continued to recommend that absolute recidivism rates be corrected for a conservative degree of underreporting.

Static-99R

It should be noted that, subsequently, more recent research efforts found that the ability of Static-99 to *rank* relative risk is reasonably consistent across samples and settings, but the observed recidivism rates have varied somewhat across samples. Consequently, in 2009, they suggested a different set of rates for a modified version of the Static (e.g. the Static-99R; Harris et al., 2009). They are continuing in the process of reanalyzing multiple data sets to determine what the most appropriate recidivism figures should be. This research has also found that there is meaningful variation in the sexual recidivism rates based on factors not measured by Static-99. However, identified absolute recidivism rates and the factors associated with variations in such rates have varied markedly in these two most recent attempts to analyze this data. Further, an attempt to modify the Static-99 to account for the age of the offender in a different manner, produced results showed that scale had similar predictive accuracy to the original Static-99 (e.g., Helmus et al., 2009).

While the Static-99 and the Static-99R have equivalent degrees of predictive accuracy in calibration, given his age, Mr. Jones was also scored on the Static-99R. This RAI more fully incorporates the relationship between age at release and sexual recidivism than the original Static-99 scale. Furthermore, its accuracy in assessing relative risk has been consistent across a wide variety of samples, countries, and unique settings (Helmus, 2009). Percentile data for Static-99R scores were based on an international sample

of sexual offenders from 8 studies, including samples from Canada, the United States, England, Austria, and Sweden ($n = 4,040$). The samples used for percentile data were considered relatively unselected groups that would be representative of the population of all adjudicated sex offenders within a given correctional system. The norms are presented as percentile ranges, reflecting the observed percentage of offenders scoring at or below a specified score. In other words, percentiles provide a relative ranking. Relative rankings are thought to be most useful in situations where the allocation of limited resources must be made, such as for treatment, community supervision, etc. Absolute degrees of recidivism risk cannot be directly inferred from these relative rankings. The appropriateness of applying these percentiles to sexual offenders in jurisdictions other than those listed above is not known. A limitation of the Static-99R is that it only utilizes follow-up data for a 10-year follow-up as opposed to the longer follow-up provided by the original Static-99.

Compared to a representative and international sample of adult male sexual offenders, Mr. Jones' Static-99R score of 5 falls into the 81 to 90 percentile. This percentile range means that only 10-19% of sex offenders in these samples scored at or above Mr. Jones' score.

Relative risk refers to the ratio of two recidivism rates. Research has found the relative risk associated with different Static-99R scores to be consistent even when the overall base rate of recidivism varies across samples. Information concerning relative risk for Static-99R scores was based on 22 samples of sexual offenders from Canada, the United States, the United Kingdom, Denmark, Holland, Austria, Sweden, Germany, and New Zealand ($n = 8,047$). The recidivism rate for sex offenders with the same score as Mr. Jones would be expected to be approximately 2.3 relative to the recidivism rate of the "typical" sexual offender (defined as median score of 2).

There have been a large number of studies examining the absolute sexual recidivism rates associated with Static-99 scores. Helmus (2009) combined 28 Static-99 replication studies and was able to calculate Static-99R scores for 23 of these samples. The samples ($n = 8,139$) were drawn from Canada, the United States, United Kingdom, Western Europe and New Zealand. Recidivism was defined as charges in about half of these studies and as convictions in the other half.

Although the relative risk was consistent across studies, the observed recidivism base rates varied across samples based on factors not measured by the Static-99R. Samples that were preselected to be high-risk/high needs (6 samples) show the highest recidivism rates, samples preselected based on treatment need (6 samples) had intermediate recidivism rates, and routine correctional samples (8) had recidivism rates substantially lower than the preselected groups (and also lower than the recidivism rates in the original development samples for the Static-99).

Consequently, the selection of absolute sex offense recidivism rates Mr. Jones requires a consideration of the extent to which he resembles the typical member of the routine samples, or if he is more representative of the samples preselected for either treatment or as a high-risk/high needs sample. The exact differences between the three samples are not fully known but the following features have been identified as characteristics of the three sample types.

The Routine Correctional sample group consisted of eight samples of sex offenders from Canada (3), the U.S. (2), England, Austria and Sweden. These samples were relatively random (i.e., unselected) samples from a correctional system (as opposed to samples from specific institutions or subject to specific measures). In other words, they can be considered roughly representative of all adjudicated sex offenders. Some offenders in these samples would have been subsequently screened for treatment or other special measures (e.g., psychiatric admission or exceptional measures related to dangerousness), but these samples represent the full population of all offenders prior to any preselection processes. The recidivism norms for the unselected samples are the closest available to a hypothetical average of all sex offenders. The Preselected for Treatment Needs sample group consisted of six samples of offenders referred for sex offender specific treatment during their current incarceration. The samples come from New Zealand, Canada (2), the U.K., and the U.S. (2). If an offender was selected for treatment but does not receive it due to other factors (e.g. bed shortages), he would still be considered *preselected* for treatment. It is the "selection for treatment" that defines this sample, not the participation in treatment. Such selection includes referral for community sex offender treatment programs for any type of conditional release during the current incarceration or for non-custodial sentences. The quality or nature of the treatment program or the quality of the offender's participation in and completion of the program is not a consideration in the definition of this group. Rather, the Treatment

Needs sample is defined simply by the identified presence of treatment needs. Samples were categorized in this group if the treatment program was specific to sex offenders and offenders were referred for treatment during their current incarceration. Given the overlap in dynamic risk factors between sex offenders and general offenders, it is plausible that offenders referred to other (i.e., non-sex-offender-specific) treatment programs may be similar to this group. Additionally, offenders referred for treatment during previous incarcerations could also plausibly fit in this group given that at some point they were identified as having treatment needs warranting intervention and that they subsequently reoffended. Finally, the Preselected for High-Risk/High-Needs sample group includes a small set of offenders selected from routine correctional populations on the basis of risk and need factors external to the Static-99R. The six samples in this group came from Denmark, Canada (4), and the U.S. Offenders in this group were referred for services at forensic psychiatric facilities, such as offenders referred as Mentally Disorder Sex Offenders, Sexually Violent Predators/Sexually Dangerous Persons, Not Guilty by Reason of Insanity, or for treatment of a mental disorder (sexual or otherwise). It would also include offenders referred to intensive treatment programs reserved for the highest risk offenders (not moderate intensity treatment programs, or treatment programs offered to the majority of sex offenders). Offenders identified as high risk through a quasi-judicial or administrative process examining a range of risk relevant characteristics, such as sentence extensions for dangerousness (e.g., preventative or indefinite detention, treatment orders, denial of statutory release), would also be included in this group.

[In addition, there is a Non-Routine Correctional Sample group, which includes all samples of offenders preselected in some way; thus it includes all the samples in the High-Risk/High-Need and Preselected for Treatment groups. It therefore combines samples preselected based on treatment need, as well as those preselected as high risk/high need, and also includes a small number of offenders preselected in different ways that fit neither category (e.g., preselected based on offense severity).]

Using either the non-routine or preselected norms requires justification. In this evaluator's opinion, Mr. Jones most closely resembles the features of the pre-selected high-risk samples. The subject has now been incarcerated on three occasions for sexual assaults. He has now twice been selected to be evaluated for possible civil commitment and he has never had sex offender treatment despite a Court requirement to do so. On that basis and at this

time, Mr. Jones would be considered to have more risk factors external to Static-99 than the typical sexual offender. In addition, further justification for using the recidivism rates from the preselected high risk and needs samples is that Mr. Jones scored in the high range on the SRA: FV (to be discussed in more detail later). This level of need is consistent with the use of Preselected High-Risk Need Norms for Static-99R regardless of the degree of pre-selection.

Mr. Jones scored a 5 on the Static-99R. Sexual offenders with this score from the preselected high risk and needs samples have been found to sexually reoffend at a rate of 36% in ten years.

Static-2002R

The Static-2002R is an instrument designed to assist in the prediction of sexual and violent recidivism for sex offenders. Given that the Static-2002R was found to fully incorporate the relationship between age at release and sexual recidivism, whereas the original Static-2002 scale did not, the developers of the Static-2002 recommend that the revised version of the scale (Static-2002R) replace the Static-2002 in all contexts where it is used.

Mr. Jones scored a 5 on the Static-2002R, which places him in the Moderate Risk Category. Hanson and Thornton developed this risk assessment instrument based on follow-up studies from Canada, the United States, and the United Kingdom with a total sample size of 2,169 sexual offenders from 10 samples. Using seven replication samples ($n = 2,605$), Static-2002R demonstrated moderate to large accuracy in the prediction of sexual, violent, and general recidivism. The Static-2002R consists of 14 items and produces estimates of relative risk based upon the number of risk factors present in any one individual. The risk factors included in the risk assessment instrument are grouped into five domains: age, persistence of sex offending, deviant sexual interests, relationship to victims, and general criminality.

Percentile data for Static-2002R scores were based on three Canadian samples ($n = 1,458$). The samples used for percentile data were considered relatively unselected groups that would be representative of the population of all adjudicated sex offenders within a given correctional system. The norms are presented as percentile ranges, reflecting the observed percentage of offenders scoring at or below a specified score. Percentiles are useful in

situations where the allocation of limited resources must be made, such as for treatment, community supervision, etc. Absolute degrees of recidivism risk cannot be directly inferred from these percentile rankings.

Compared to a representative Canadian sample of adult male sexual offenders, Mr. Jones's Static-2002R score of 5 falls into the 71 to 85 percentile. This percentile range means that less than 14-29% of the sample of sex offenders had higher scores than Mr. Aronson.

Relative risk refers to the ratio of two recidivism rates. Research has found the relative risk associated with different Static-2002R scores to be consistent even when the overall base rate of recidivism varies across samples. Information concerning relative risk was based on seven samples of sexual offenders from Canada, the United States, the United Kingdom and, Denmark ($n = 2,610$). The recidivism rate for sex offenders with the same score as Mr. Jones would be expected to be approximately two times the recidivism rate of the typical sexual offender (defined as estimated median score of 3).

As with the Static-99R, there have been number of studies examining the absolute sexual recidivism rates associated with Static-2002R scores. Hanson, Phenix, & Helmus (2009) examined seven Static-2002R replication studies (total $n = 2,605$), drawn from different countries including Canada, the United States, United Kingdom and Denmark. In these samples recidivism was defined as charges in about half of the cases and as convictions in the other half.

Although the relative risk was consistent across studies, the observed recidivism rates vary considerably across samples based on factors not measured by the Static-2002R. Samples that were preselected to be high-risk/high needs (3 samples) showed the highest recidivism rates, the sample preselected based on treatment need (1 sample) had intermediate recidivism rates, and routine correctional samples (3 samples) had recidivism rates substantially lower than the preselected groups. [Recidivism tables were not produced for the sample preselected based on treatment need because it was the only sample in that category.]

Consequently, in order to evaluate Mr. Jones, one needs to consider the extent to which he resembles the typical member of the routine samples, or if he is more representative of the samples preselected for the high-risk/needs group, where such definitions are based on research with the

Static-99R (Helmus, 2009). The Routine Correctional Sample group consisted of three samples of sex offenders from Canada. The group's description is otherwise identical to that of the Static-99R. The Preselected for High-Risk/High-Needs Sample group, consisted of three samples, one each from Denmark, Canada and the U.S. The group's description is otherwise identical to that of the Static-99R. [The Preselected for Treatment Needs Sample group consisted of only one sample of U.K. offenders in this group and thus insufficient data to calculate recidivism rates.] In addition, a Non-Routine Correctional Sample group includes the four samples from the High-Risk/High Need and Preselected for Needing Treatment groups. These are all offenders preselected in some way. The group's description is otherwise identical to that of the Static-99R.

Mr. Jones scored a 5 on the Static-2002R. As noted previously, the basis for identifying a comparison group for Mr. Jones is his history of being identified by a quasi-judicial body as a high risk/high need offender and his score on the SRA: FV. Offenders with the same score as Mr. Jones from the preselected high risk and needs samples have been found to sexually reoffend at a rate of 28% percent over ten years.

Mr. Jones was also scored on the MnSOST-R (Epperson et al., 1999; Epperson et al., 2003), a revised version of the Minnesota Sex Offender Screening Tool. On this instrument, Mr. Jones received a very high score that is associated statistically with about a 72% likelihood of being re-arrested for a new "hands on" sexual offense over just a six-year period post-release from incarceration, with some degree of error surrounding these approximations. Recent reports have indicated that this rate may be suppressed for sex offenders for a period of time when they are under intensive supervision.

Quinsey and his associates (1998; 2006) published the Sex Offender Risk Appraisal Guide (SORAG). The SORAG is also an actuarial instrument developed to predict rearrest for a new violent/interpersonal offense (inclusive of sexual offense). However, it is also been demonstrated to have strong predictive strength when use to predict sex offenses specifically (Langton, 2002; Harris et al., 2003). When Mr. Jones is scored according to the criteria for this instrument, with some degree of error surrounding this approximation, his score is statistically associated with a 75% probability of

violent reoffending within seven years and an 89% probability of violent reoffending within ten years (Quinsey et al., 1998). More recently, Harris et al. (2002) found that the observed rate of reoffending among a sample of sex offenders for persons with Mr. Jones' characteristics was found to be 71% after an average of just five years of opportunity. [However, as a result of Canadian law, it should be noted that in all of these studies by Rice, Harris and Quinsey, those persons with perhaps the greatest risk of reoffending were not released into the community, thus decreasing the likely base rate of reoffense and the resultant predictive accuracy. Consequently, these figures are conservative and represent an underestimate of the likely true rate of recidivism.]

As noted, the SORAG has now been demonstrated to possess predictive accuracy specifically to sex offenses recidivism (e.g. Langton, 2002; Harris et al., 2003). However, the authors continue to advocate providing percentages for the category of "violent interpersonal offenses" as the best or optimal measure of "true" sex offense recidivism. Quinsey et al (1998) have opined: "Although overinclusive, ***violent recidivism is likely to capture significantly more sexual reoffenses than the more commonly used sexual recidivism definition***...we have found that many offenses that appeared to be nonsexual violent offenses are actually ones that have a sexual component or sexual motivation...***We conclude, therefore, that the outcome of greatest relevance for the risk among sex offenders is violent recidivism. Even if one is interested only in new sexually violent offenses, it may be argued that violent recidivism is a more valid outcome measure for evaluating predictive accuracy than sexual recidivism as currently defined.***" (p. 129-130, emphasis added). More recently, in their updated book, Quinsey et al (2006) reiterated this point and wrote: "...using violent recidivism...is at least as accurate a measure of offense that are truly sexually violent as is sexual recidivism that can be ascertained as clearly sexual from police rap sheets alone." (p. 142)

Given that all but one of Mr. Jones' apparent adjudicated acts of interpersonal violence, to date, have been sex offenses, it is reasonable to assume that future acts of interpersonal violence are likely to be sexual as well. Empirical support for this measure of sex offense recidivism has recently been published. As noted previously, Rice et al. (2006) recently demonstrated that a substantial percentage of sex offenders' historical acts of "violence" were actually sexual in nature. They concluded that counting only "rapsheet sexual" charges and convictions misses *half* of those recorded

offenses that were probably or clearly hands-on sexual offenses; counting the total history of violent offenses approximates the true number of hands-on sexual offenses and does not miss the most serious offenses. This suggests that the measure of violent offenses in the future provides a particularly appropriate measure of likely *detected* acts of sex offense in the future. Further, in Mr. Jones' history, all of his known acts of "interpersonal violence" have been sexually motivated ones; it is reasonable to assume that future acts falling within the general category of interpersonal violence would also be sexually motivated ones.

The following table provides a comparison of each risk instrument utilized:

Instrument	Score	Risk Category	Relative Risk	10 year % risk	15 year % risk
Static-99	8	High		45%	52%
Static-99R	5	High	2.3	36%	
Static-02R	5	Moderate-High	2.0	28%	
MnSOST-R		High		72% (over 6 yrs)	
SORAG				89%	

Interpreting the results and meaning of actuarial RAIs for sex offender recidivism relative to lifetime risk of such recidivism can be complicated. First, actuarial measures use multivariate statistical techniques; they necessarily "collapse" or "combine" variables into one another and reduce the number of variables considered to a smaller number of such variables (e.g. the meta-analysis identified approximately 20 statistically significant risk factors but the Static-99 includes only 10). In addition, actuarial RAIs typically do not include variables that may be important but are difficult to measure (e.g. deviant sexual preference, psychopathy), variables that were not selected or measured by multiple studies or are idiosyncratically associated with sexual offending. Overall, actuarial measures do not provide comprehensive coverage of risk factors for sex offending. Second, most RAIs are based upon rearrests and reconvictions for sexual offenses, both of which are considered to be significant under-representations of actual sexual reoffending (e.g. capturing just 10-33% of relevant sexual offense). Third, available studies only measure recidivism for relatively discrete and brief periods of time (e.g. 6, 10 and/or 15 years); none of these measures currently provide sex offense recidivism figures for periods of more than 15 years.

That is, none of the results of the actuarial measures come close to indicating *lifetime* risk of actual sexual recidivism (e.g. detected + undetected). Different measures rely on different outcome measures. The longest period of follow-up is only 15 years; however, as noted, per the U.S. Census National Center for Health Statistics, Mr. Jones' life expectancy would suggest that his remaining "lifetime" is at approximately 18 years.

In short, the results of structured clinical judgment identify a risk of sexual reoffending that is above the legal threshold of "more probable than not" in in Mr. Jones' remaining lifetime.

Still another method for assessing risk for sex offender recidivism is the use of structured clinical judgment or structured professional judgment (noted previously, abbreviated as SPJ). The PCL-R is the most researched clinical rating scale in the area of violent prediction. Both Salekin et al. (1996) and Hemphill et al. (1998a; 1998b) have reviewed the literature on the PCL-R via meta-analysis of individual studies; they found adequate reliability, moderate to strong effect sizes and concluded that the PCL-R represents a good predictor of violence and general recidivism. Hemphill et al (1998a; b) found that both PCL-R factors contributed equally to the prediction of violent recidivism and that the PCL-R routinely added incremental validity to predictions of recidivism (e.g. making a significant contribution above and beyond other variables studied such as criminal history and personality disorder diagnoses).

The most recent meta-analysis of risk factors by Hanson and Morton-Bourgon (2004) found that higher PCL-R scores were associated with an increased risk of sex offense recidivism. On its own, Mr. Jones' very high score on the PCL-R would indicate a very increased relative risk for violent recidivism, inclusive of sexual recidivism. The mean PCL-R score for any prisoner in a state correctional facility is approximately 22 while that for the general population of males is 6 (Hare, 1991). Prentky and Knight (1988, cited in Hare, 1991) used the PCL-R with a sample of rapists and child molesters; they found a mean score for the pooled sample of 29. The association between dimensional scores on the PCL-R and criminal and violent outcomes is, for the most part, linear; this means that a higher score on the PCL-R is associated with a higher likelihood of future criminal or violent behavior (Hart & Hare, 1997). Using the cutoff of 30 has yielded

highly significant differences between those groups of individuals classified as psychopaths and those who scored under the cutoff. In the most recent meta-analyses of the PCL-R and its relationship to recidivism was studied across multiple individual studies (Hemphill et al., 1998a; Hemphill et al., 1998b). Results demonstrated that the PCL-R was consistently among the best predictors of recidivism, whether utilized as a continuous or categorical measure. In fact, surprisingly, *survival analyses for "medium" and "high" PCL-R groups were not clearly differentiated from one another; both of these groups showed similar recidivism rates and patterns.* The PCL-R score was typically the strongest (or one of the strongest predictors) of violent and sexual recidivism. Further, these meta-analyses showed that in the first year of release from prison, psychopaths were three times more likely to reoffend in general and four times more likely to reoffend in a violent manner. In a study of rapists and child molesters, Quinsey et al. (1995) found that within 6 years of release from prison, more than 80% of psychopaths (versus 20% of non-psychopaths) had violently recidivated and that many of their offenses were sexual in nature. Rice and Harris (1997) showed that sexual recidivism rates for sex offenders were substantially higher among identified psychopaths. They found that violent recidivism rates for five years after release were 85% for persons classified as psychopaths by record review (e.g. cutoff score of 25) based upon survival analysis; this rate was approximately 50% above that of non-psychopaths.

One instrument developed for providing a structured clinical risk assessment for sexually violent recidivism, the Sexual Violence Rating Scale (SVR-20; Boer et al., 1997). This instrument provides a list of twenty variables believed to be associated with a higher risk of sex offense recidivism. Of these risk factors, historically, Mr. Jones is or has been characterized by some degree of the following **seventeen** domains: 1) deviant sexual arousal; 2) victim of child abuse; 3) psychopathy; 4) major mental illness; 5) substance abuse problems; 6) relationship problems; 7) employment problems; 8) past non-violent offenses; 9) past non-sexual violent offenses; 10) past supervision failure; 11) multiple sex offense types; 12) physical harm to victims in sex offenses; 13) use of weapon or threats of death in sex offenses; 14) a history of minimization or denial of sex offenses; 15) attitudes that support sexual offending; 16) negative attitude toward intervention; and 17) a lack of realistic future plans. He does not appear to be characterized by the following: suicidal or homicidal ideation; high density sexual offenses; or escalation in frequency or severity of sex

offenses. Overall, the rating derived from structured clinical/professional judgment would indicate that Mr. Jones has a *high* likelihood of sexual recidivism.

The results of structured clinical judgment identify a risk of sexual reoffending that is above the legal threshold of “more probable than not” in Mr. Jones’ remaining lifetime.

In short, in considering the variety of potential approaches to gauging future risk of sexual recidivism including 1) base rates, 2) the combined results of the actuarial measures, 3) individual risk factors, and 4) structured clinical or professional judgment, it is this evaluator’s opinion that they clearly converge in indicating that Mr. Jones’ risk of sexual reoffending is beyond the legal threshold of “more probable than not” to engage in future sex offenses over his remaining lifetime.

Finally, recently, there has been a scientific and forensic interest in the manner in which additional “dynamic” or “psychological” risk factors (“criminogenic needs) may interact with static risk provided by RAIs. The Structured Risk Assessment-Forensic Version (SRA-FV) is a conceptually based instrument for assessment of potential long-term vulnerabilities or propensities that may predispose an offender towards future sexual offending. These long-term vulnerabilities are also sometimes referred to as psychologically meaningful or dynamic risk factors. The constructs reflected within the SRA-FV have been shown to be related to sex offense risk in numerous research efforts and in the creation of other instruments intended to measure these constructs. The SRA-FV was developed from the Structured Risk Assessment process (e.g. Thornton & Knight, 2009). The SRA-FV provides a score for three domains (or groups of factors). Those are: Sexual Interests, Relational Style and Self-Management. The SRA-FV has shown significant incremental validity in improving the risk assessment over use of actuarial instruments (e.g. the Static-99R alone). (Thornton, 2010a)

Mr. Jones was scored on the SRA-FV. He received elevated scores on all three domains: Sexual Interests (Sexual Preference for Children, Sexualized Violence and Sexualized Preoccupation), Relational Style (Emotional Congruence with Children, Lack of Emotionally Intimate Relationships with

Adults, Callousness, and Grievance Thinking) and Self-Management (Lifestyle Impulsiveness, Resistance to Rules and Supervision, and Dysfunctional Coping). His total score on the SRA-FV was "4.3." This falls in the Very High priority category (e.g. 3.5 or >); this Very High level of Need strongly indicates the exceptional levels of risk management are appropriate (and would identify the respondent as falling in the "High Risk/High Need" group for purposes of the revised Static ratings).

Research also exists combining data from an actuarial measure and the SRA-FV. The combination of high (static) actuarial risk with a score on the SRA-FV greater than 2.75 (e.g. Mr. Jones' score was substantially higher), would indicate that the level of risk associated with this combination of a particular static/historical RAI and a particular level of dynamic psychological needs would place an individual in a high risk category (e.g. more probable than not).

In short, in considering the variety of potential approaches to gauging future risk of sexual recidivism including 1) base rates, 2) individual risk factors, 3) the combined results of the actuarial measures, 4) structured professional judgment and 5) levels of dynamic risk factors and/or criminogenic needs, it is this evaluator's opinion that individually and collectively the available methods of risk assessment clearly converge in indicating that Mr. Jones's risk of sexual reoffending is beyond the legal threshold of "more probable than not" to engage in future sex offenses over his remaining lifetime.

Finally, relative to future risk of sexual reoffending, there are several individual or situational factors that have been empirically demonstrated to be associated with relative likelihood of sexual reoffending for sex offenders that should be considered relative to adjusting an individual's assessed level of risk for sexual recidivism.

First, the joint presence of deviant sexual arousal (DSA) and relative psychopathy has been identified as conferring a particular risk of sexual reoffending to sex offenders. Rice and Harris (1997) found the combination of higher PCL-R scores (e.g., 25 and above) and deviant sexual arousal resulted in substantially faster and higher rates of sexual reoffending; sexual recidivism per survival analysis was approximately 60% for this group. More recently, this research group again confirmed this finding [Harris et al.

(2003)]. In addition, other investigators (e.g. Serin et al., 2001; Doren, 2003; Hildebrand et al, 2004) have demonstrated that this “dynamic duo” of increased psychopathy and deviant sexual arousal is also associated with higher rates of sexual offending. Mr. Jones is characterized by both an elevated PCL-R score (psychopathy score > 25) and deviant sexual arousal, thus indicating a particularly elevated risk for sexual offending.

Second, Mr. Jones’ age (he is 61) merits particular consideration of his relative risk of reoffending. In general, the risk of sexual offending appears to decline over time as individual’s age. Thus, Hanson (2001) and Barbaree (2003) reported that rapists typically showed some degree of relative decrease in recidivism with increased age. Thornton (2006) examined recidivism for sex offenders as an interaction with level of risk. He found that for offenders released from incarceration between the ages of 25 and 59, those who were viewed as “high risk” sex offenders showed no decrease in sexual recidivism. Thornton and Knight (2006) also found that age at release had essentially no relation to sexual recidivism after controlling for actuarial scores of relative risk. In contrast, Hanson (2005) found that risk for future sex offending as measured by the Static-99 scores did not affect the effects of age-at-release for sex offenders. Doren (2006), drawing on findings from several studies of age and sex offense recidivism, indicated that risk of sexual offending did not appear to decline with age for “higher risk” sex offenders. He suggested that for sex offenders whose sex offenses are “driven” by deviant sexual arousal/interest, there may be no effect of age-at-release, particularly for child molesters in the United States. Doren (2006) concludes: “Overall, the wide disparity of findings, coupled with the relatively tiny degree of replication of results indicate that we have a lot of work to do before we can say we understand how to consider age in sexual recidivism risk assessments.” For sex offenders released from incarceration at age 60 or greater, there is data that suggests a significant decrease in their rate of sex offense recidivism. Both Hanson (2005) and Thornton (2006) found that there was a significant, even a “precipitous” reduction in future sexual reconvictions for such sex offenders. However, as Thornton (2006) wrote: “... the actual recidivism rates for the... 60+ age group are based upon small numbers and so the strength of this trend is not being estimated with precision.” (p. 134) Doren (2006) offered a similar conclusion. In addition, several authors have drawn attention to the fact that there are significant variations in the relationship between sexual activity and aging; that is there are significant individual differences among older males in particular. Thus,

men who reported the highest frequency of sexual activity when they were younger had the slowest decline in sexual activity as they aged (e.g. Bancroft, 2007). [It should be noted that Lindau et al. (2007) found that 26% of older persons age 75-84 were sexually active].

Relative to this issue of age, it should be pointed out that all of the RAI specifically take age into account and represent age-related measures of risk; thus, particularly for the Static—99R and the Static-02R, Mr. Jones' age has been fully accounted for and still his risk for future sexual reoffending remains relatively high. It must be noted that Mr. Jones' last detected sex offense occurred at age 59, shortly before his 60th birthday. In addition, beyond admitting to sexual contact with JB, the subject also reported that he had sexual relations subsequent to that when he was released for a brief period from jail. Thus, Mr. Jones appears to have maintained a general interest and ability to be sexual and he committed his most recent sex offense at an age when many sexual offenders, particularly rapists, are evidencing a downward trajectory of sexual re-offending.

Finally, another consideration that might mitigate an individual's risk of sexual reoffending relates to the amount of time that the offender has spent free from crime, particularly violent or sexual offending, particularly in the community. Thus, Mr. Jones' behavior in the community –as well as in institutions- becomes important to consider. Since his late adolescence the subject has spent relatively little time in the community without engaging in antisocial activity; he has demonstrated little or no relationship or employment stability and he has never maintained any extended period of sobriety. Thus, after being incarcerated for over 13 years, when released, Mr. Jones relatively quickly began using alcohol, marijuana and other drugs as evidence by his repeated failed UAs and related violations. He appears to have actively avoided any prosocial opportunities in general while in the community and more specifically, court and corrections ordered sex offender treatment and CD treatment. Further, even while incarcerated, Mr. Jones has violated minor and major rules, including issues of sexual harassment and intimidation toward female staff since 1993 and continuing through 2009. Thus, Mr. Jones behavior in the community -to the limited extent he has been in the community since age 21- and in institutions would seem to indicate increased risk for future sexual offending.

Related to this is Mr. Jones persistent statements that indicate difficulty in understanding how or why he engages in antisocial behavior and sexual

offending and failure to enact what he has verbalized as what he has learned and needs to do. In 1981, the subject proclaimed that "he was beginning to feel that he could have control of his life and himself;" but was quickly rearrested. In 1988, Mr. Jones stated: "I know I will never commit another 'crime' as long as I live.'... My rehabilitation and progress has already started within myself. I have to turn it around, not prison, and I certainly will." In 1994, "His criminal history summary was reviewed and discussed. He stated that he realizes that a change of lifestyle is necessary or he will lose his family." Yet upon release he had several violations and committed multiple new crimes. In 2011 Mr. Jones still could not understand why he was a habitual offender and did not understand why he did done the things he had done –and, in fact, subsequently committed a violent, sexual offense. Currently, Mr. Jones continues to lack a meaningful understanding of his propensity for sexual and other criminal offending. In the current interview, he stated: "Why do people do things that are harmful to other people and they know that it was harmful?" In addition, he recognizes (as have others such as CCOs) that he functions poorly when on his own in the community but functions quite well when in institutions. Mr. Jones stated that having someone in control of him –"authority"- allows him "to behave." Further, he has no plans for release and does not know how he will achieve a prosocial lifestyle in the community. In the current interview, he reported, "I have more hopes than plans" and, in fact, acknowledged that he had no concrete plans. Mr. Jones stated: "What am I going to do when I get out? I've gotten out before, that's not the issue. I have to figure out how to get out and not come out. I know when I get out, I'm going to be homeless with no job. I need to figure out my direction. I realize I'm old and it's at a late time, but I need to figure out what am I going to do with my life." Mr. Jones' long-term inability to lead a prosocial life in the community and to right his life despite expressed intentions to do so necessarily should evoke caution relative to his continued lack of insight and understanding and his very recent failures to avoid both violations and criminal behavior.

Regarding the issue of future predatory sex offenses, Mr. Jones' records and his own self-report indicate several relevant areas of information. Per his report, all of the adult females who accused him of rape were strangers that he acknowledges meeting the night of the reported sexual assaults. In addition, for his two adjudicated sexual assaults of 14-year-old girls, Mr. Jones acknowledges cultivating a relationship with each of them. The subject's pattern of sexual offending in these instances would appear to

satisfy the statutory provision of “promoting” (e.g., to launch or bring into being) sexual activity. In short, as evidenced by his most recent behavior in the community, it seems clear that Mr. Jones’ likelihood of future sex offenses would involve “predatory acts of sexual violence.”

In conclusion, it remains my opinion, from a psychological/psychiatric perspective and with a reasonable degree of professional certainty, that Mr. Jones is characterized by a mental abnormality, **Paraphilia NOS (Coercive/Non-Consent)**, as well as **Antisocial Personality Disorder** and/or **Psychopathy**, each of which is an acquired or congenital condition. These conditions, individually and particularly together, affect Mr. Jones’s emotional and volitional capacities. Mr. Jones has clearly demonstrated serious difficulty controlling his behavior, including in the realm of sexual behavior. These characteristics, in turn, predispose him to commit predatory sexually violent offenses in a degree constituting such a person a menace to the health and safety of others. With a reasonable degree of psychological certainty, it is my opinion that Mr. Jones is a person who is “more probable than not” to engage in predatory acts of sexual violence if not confined in a secure facility and if he is released unconditionally from detention, all as defined Washington Ch. 71.09 RCW.

The available information indicates that Mr. Jones continues to present a danger to others in terms of future sexual offenses against both adult and adolescent females if he were to reside outside a secure, residential facility and does not receive intensive, comprehensive long-term general and sex offender specific treatment. Without such treatment, Mr. Jones is likely to be characterized by the same risk factors and/or psychological characteristics that have provided the basis for his long history of criminal sexual behavior. It is my opinion that Mr. Jones should be provided with an intensive, inpatient sex offender treatment program to offer significant hope of reducing his apparent risk of sexual recidivism. Further, he will benefit from a comprehensive and secure treatment program, given his history of sexual offending in the community even after multiple previous criminal convictions/sanctions.

Respectfully Submitted,

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**THIS IS THE END OF THE FORENSIC
PSYCHOLOGICAL EVALUATION**

EXHIBIT B

CURRICULUM VITAE

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EDUCATION

- 1984 Ph.D., University of Oregon, Clinical Psychology
- 1983 Internship, Neuropsychiatric Institute (NPI), U.C.L.A.
- 1982 M.S., University of Oregon, Clinical Psychology
- 1977 A.B., Brown University: Psychology and Political Theory

POSITIONS HELD

- 1999- Forensic Psychology Consultations
- 2009- Forensic Consultant, U.S. Department of Justice
- 2002- Forensic Consultant, Washington Joint Forensic Unit (JFU)
- 1999/2001- Forensic Consultant, Iowa/Missouri Departments of Justice
- 1999-2006 Medical Expert, OHA, Social Security Administration
- 1995-2003 Clinical Assistant Professor of Psychiatry, University of Minnesota
Medical School
- 1995 - 1999 Evaluation Consultant, Alpha Human Services Outpatient Sex Offender
Program
- 1987 - 1995 Assistant Professor of Psychiatry and Pediatrics, Child Development,
Clinical Psychology, University of Minnesota
- 1984 - 1987 Staff Psychologist/Clinical Researcher, Department of Psychiatry,
University of Minnesota Medical School

CERTIFICATION & LICENSURE

Minnesota Board of Psychology: Licensed Psychologist (LP): License #1787 (1986)

Washington Health Professions: Licensed Psychologist: PY00003883 (2007)

National Registry of Health Service Providers in Psychology (#44666, 1998)

MEMBERSHIP IN PROFESSIONAL SOCIETIES

- American Psychological Association (APA)
 - Division 12: Clinical Psychology
 - Division 41: Psychology-Law & Society
 - Division 29: Psychotherapy
 - Division 30: Hypnosis
 - Division 37: Child, Youth & Family Services
 - Division 42: Independent Practice
 - Division 18: Psychologists in Public Service
- Association for the Treatment of Sexual Abusers (ATSA)
 - Executive Board: Elected (Terms: 2007-2009; 2010-1012)
 - Public Policy Committee: 2001-Present
- Association for Behavioral and Cognitive Therapy (ABCT)
- American Professional Society on the Abuse of Children (APSAC)
- American College of Forensic Examiners (ACFE)
- American College of Forensic Medicine (ACFM)
- American Psychotherapy Association (APA)

CONTINUING EDUCATION EXPERIENCES

FORENSIC:

Psychopathy:

Meloy, J. Reid. **The Psychopathic Personality.** Specialized Training Service. Minneapolis, MN. February, 1994.

Lykken, D.T. (1994). **The Antisocial Personalities.** Psychology Department, University of Minnesota (Advanced Graduate Seminar, Spring Semester).

Hare, R. **Psychopathy and the PCL-R.** November 12, 1997. Darkstone Research Group. St. Paul, MN.

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Forth, A. **Psychopathy and the PCL-R: Clinical & Forensic Applications For Sex Offenders.** Minnesota Court Psychological Services. Minneapolis, MN: February 18-19, 2004

Harris, G. **Psychopathic Sexual Behavior.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 27, 2004.

Salter, A. **Psychopaths, Pit Bulls and Cobras.** Forensic Evaluation, Treatment and Risk Management Conference: State Operated Forensic Services, St. Peter, Mn, October 23, 2006.

Adult Sex Offenders: Evaluation, Risk Assessment, Treatment and Legal Issues:

Psychopathic Personalities and Sexually Dangerous Persons. Minnesota Institute of Legal Education. Minneapolis, Mn. September 12, 1995.

Adkerson, D. L. **Clinical Assessment Of Sexual Offenders.** Association for the Treatment of Sexual Abusers. Chicago: November 13, 1996.

Outcome Studies And Implications For Treatment. Association for the Treatment of Sexual Abusers. Chicago: November 13, 1996.

High Risk Offenders: Assessment, Treatment And Testimony. Association for the Treatment of Sexual Abusers. Chicago: November 13, 1996.

Hazelwood, R. **The Sexually Violent Offender.** Specialized Training Services. Milwaukee, WI, November 15-16, 1996.

- Sexual Predators: Treatment Perspectives.** Minnesota Institute of Legal Education.
Minneapolis, Mn, August 12, 1998.
- Doren, D. **Using And Testifying About Sex Offender Risk Assessment Instrumentation.**
Association for the Treatment of Sexual Abusers. Orlando, FL: September 22, 1999.
- Innovations In Structured Approaches To Risk Assessment With Sex Offenders.**
Association for the Treatment of Sexual Abusers, Orlando, FL: September 22, 1999.
- Actuarial Risk For Sexual Reoffending.** Association for the Treatment of Sexual Abusers,
Orlando, FL: September 22, 1999.
- Minnesota Department of Corrections. **The Civil Commitment Of Sexual Offenders: The
Referral & Commitment Process.** St. Paul, September 29, 1999.
- Saunders, B. E. **Family Resolution Therapy In Cases Of Intra-Familial Sexual Abuse.**
Association for the Treatment of Sexual Abusers, San Diego, CA: November 1, 2000.
- Psychopathic Sex Offenders: Symposium.** Association for the Treatment of Sexual Abusers,
San Diego, CA: November 2, 2000.
- Structured Professional Guidelines For Assessing Risk In Sexual Offenders:
Symposium.** Association for the Treatment of Sexual Abusers, San Diego, CA:
November 3, 2000.
- Berlin, F. **Actuarials: A Critique Of Their Use In Civil Commitments.** Association for The
Treatment of Sexual Abusers. San Diego, CA: November 3, 2000.
- Doren, D. **Using Current Risk Assessment Procedures: Integrating Actuarials With Proper
Clinical Judgment.** Minnesota Association for the Treatment of Sexual Abusers,
Minneapolis, MN March 29, 2002.
- Sexual Psychopathic Personalities and Sexually Dangerous Persons: Update.** Minnesota
Institute of Legal Education. Minneapolis, MN.
- Stern, P. & Wheeler, J.R.: **Actuarial Risk Assessment: Preparation And Presentation Of
Effective And Ethical Testimony.** Association for the Treatment of Sexual Abusers,
Montreal, Canada: October 2, 2002.
- Doren, D. M. & Thornton, D. **Factors That Modify Static Risk Assessments: Absolute Vs.
Proportionate Effects.** Association for the Treatment of Sexual Abusers, Montreal,
Canada: October 2, 2002.
- Thornton, D. & Doren, D. M. **How Much Safer Are Older Offenders?** Association for the
Treatment of Sexual Abusers, Montreal, Canada: October 2, 2002.
- Doren, D. M., Thornton, D. & Harasymiw, J. **Does Treatment Halve Recidivism For Higher
Risk Sex Offenders?** Association for the Treatment of Sexual Abusers, Montreal,

Canada: October 2, 2002.

Thornton, D. & Doren, D. M. **Implications Of Premature Treatment Termination For Sexual Recidivism.** Association for the Treatment of Sexual Abusers, Montreal, Canada: October 2, 2002.

Kropp, P.R. **The Risk For Sexual Violence Protocol: Developments In Research And Professional Practice.** Association for the Treatment of Sexual Abusers, Montreal, Canada: October 2, 2002.

Doren, D.M. **Conducting Sexual Offender Risk Assessments: The Details Of What We Know From Research.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 8, 2003.

Thornton, D. & R. Karl Hanson. **Models Of Real Re-Offence Rates: Clinical Implications.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 9, 2003.

R. Karl Hanson & Thornton, D. **How Much Do Observed Recidivism Rates Underestimate The Actual Rates?** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 9, 2003.

Barbaree, H. E., Langton, C.M., & Peacock, E. J. **The Evaluation Of Sex Offender Treatment Efficacy Using Samples Stratified By Levels Of Actuarial Risk.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 9, 2003.

Langton, C.M., Barbaree, H. E., & Peacock, E. J. **Failure To Complete Sexual Offender Treatment And Sexual Recidivism: Do Actuarial Risk Or Psychopathy Account For The Association?** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 9, 2003.

Peacock, E. J., Langton, C.M., & Barbaree, H. E., (2003) **Examining The Relationship Between Deviant Sexual Arousal, Treatment, And Sexual Recidivism.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 9, 2003.

LaFond, J. Q. & Winick, B.J. **A Therapeutic Jurisprudence Approach To Managing Sex Offender Risk: A Proposal For Sex Offender Reentry Courts.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.

Janus, E.S. **Forensic Use Of Actuarial Risk Assessment (ARA).** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.

Cornwell, J.K. **Sex Predators And The Right To Treatment In The Community.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.

English, K. **Community Containment And The Polygraph.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.

- McGuire, J. **Outcomes Of Intervention With Offenders: Research Findings And Practical Lessons.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 28, 2004.
- Harris, A. **High Risk Offenders: Canadian Legislative Options.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 28, 2004.
- Hucker, S. J. **Assisting The Court In Dispositional Decisions For High-Risk Sexual Offenders: Long Term Offenders And Dangerous Offender Assessments.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 28, 2004.
- Ellerby, L. **Risk Management Strategies For High-Risk Offenders On Judicial Restrain Orders.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 28, 2004.
- Rice, M. **Developing Actuarial Tools To Predict Sexual Recidivism: What Is The Best Criminal Record Outcome Measure?** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 28, 2004.
- Felson, R.M. **Sexual Assault: What Motivates Offenders And What Disinhibits Them.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 27, 2004.
- Rice, M. **The Theory And Application Of The Sex Offender Risk Appraisal Guide (SORAG).** California Department of Mental Health. Morro Bay, CA: January 19-20, 2005.
- Epperson, D. **The Development And Application Of The Minnesota Sex Offender Screening Tool (MnSOST-R).** California Department of Mental Health. Morro Bay, CA: January 20-21, 2005.
- Abel, G.G. **Evaluation And Treatment Of Child Sexual Abusers.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 16, 2005.
- Doren, D.M. **The Relationship Between Age And Recidivism For High-Risk Offenders.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 17, 2005.
- Thornton, D. & McCulloch, D. **Age, Maximum Penile Response, And Conduct After Release Among Civilly Committed Sexual Offenders.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 17, 2005.
- Beech, A. **An Evaluation Of The Effectiveness Of The Static-99 With Juveniles.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 17, 2005.
- Thornton, D. **Evaluating Risk Factor Domains And Clusters.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 17, 2005.

- Beech, A. & Ward, T. **Towards An Integration Of Static And Dynamic Risk Factors: An Etiological Framework.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 17, 2005.
- Seto, M.C. **The Evolution Of Sex Offender Treatment: Taking The Next Step.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 18, 2005.
- Breiling, J. **Lessons From The Biomedical Arena For Determining How Well Treatments Work.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 18, 2005.
- Harris, A. **Dynamic Assessment Beyond Static: Value Added?** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 18, 2005.
- Anderson, D. **The Static-99 and the Stable/Acute 2000.** Associated Psychological Services LTD. Mankato, MN: December 13-14, 2005.
- Barbaree, H. **Considering Factors External to Actuarial Instruments in Risk Assessment.** California Department of Mental Health. Morro Bay, CA: March 2, 2006.
- Thornton, D. **Considering Factors External to Actuarial Instruments in Risk Assessment.** California Department of Mental Health. Morro Bay, CA: March 3, 2006.
- R. McGrath. **Translating Research on "What Works" Into Everyday Practice.** Minnesota Association for the Treatment of Sexual Abusers, Minneapolis, MN: April 5, 2006.
- Hanson, R. K. **A History of Actuarial Risk Assessment of Sexual Offenders.** Minnesota Association for the Treatment of Sexual Abusers, Minneapolis, MN: April 6, 2006.
- Hanson, R. K. **Dynamic Risk Factors for the Prediction of Sexual Recidivism.** Minnesota Association for the Treatment of Sexual Abusers, Minneapolis, MN: April 6, 2006.
- Cole, R. **The Dynamic Supervision Project.** Minnesota Association for the Treatment of Sexual Abusers, Minneapolis, MN: April 6, 2006.
- Thornton, D., Mann, R., & Daniels, L. M. **Using the Structured Risk Assessment Model to Guide Treatment Planning.** Workshop Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 27, 2006.
- Looman, J. & Abracen, J. **Differential Validity of Risk Assessment Tools for Sexual Offenders.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 28, 2006.
- Bench, L.L. & Allen, T. **Constructing A Profile Of Sex Offender Recidivism Using Multiple Measures: A Longitudinal Analysis.** Workshop Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 28, 2006.

- Daniels, L. M., Thornton, D., & Knight, R. **Reliability and Error in the Application of Modern Actuarial Instruments to Old Case Files.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 28, 2006.
- Knight, R., Thornton, D., & Schatzel-Murphy, E. **Comparative Accuracy of Simple Actuarial Instruments in Predicting Sexual Recidivism.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 28, 2006.
- Thornton, D. & Knight, R. **Testing Age Adjustment of Simple Actuarial Instruments.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 28, 2006.
- Doren, D. M. & Yates, P. M. **Treating Psychopathic Sex Offenders: How Effective Is it? Should it be Done?** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 30, 2006.
- Looman, J. & Abracen, J. **Psychopathy Subtypes, Treatment Performance and Recidivism.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 30, 2006.
- Wakeling, H. & Mann, R. **The Validity and Reliability of Different Psychometric Indicators of Psychological Risk Factors.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 29, 2006.
- Mann, R. & Wakeling, H. **How Inter-rater Reliability of SARN Ratings is Affected by Specialized Training and Work with Sex Offenders.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 29, 2006.
- Thornton, D. & Knight, R. **Combining Offense-history, PPG and Polygraph Examinations in Assessing the Sexual Interest Domain.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Chicago, September 29, 2006.
- Hanson, R.K. **Sex Offender Risk Assessment: New Research and Methods (Static-2002/Stable 2007).** California Department of Mental Health. Shell Beach, CA: April 10-11, 2007.
- McGrath, R. **Characteristics of adult sex offenders: What do we know?** Forensic Evaluation, Treatment and Risk Management Conference: State Operated Forensic Services, St. Peter, MN, October 22, 2006.
- McGrath, R. **What works in sex offender management: Principles of effective correctional practice.** Forensic Evaluation, Treatment and Risk Management Conference: State Operated Forensic Services, St. Peter, MN, October 22, 2006.

- Salter, A. **What works?: Reducing criminal offending.** Forensic Evaluation, Treatment and Risk Management Conference: State Operated Forensic Services, St. Peter, MN, October 22, 2006.
- Janus, E. & Kirwin, J. **Sex offender policy and the law: Two Perspectives.** Forensic Evaluation, Treatment and Risk Management Conference: State Operated Forensic Services, St. Peter, MN, October 23, 2006.
- Fear and Loathing Under the Dome: Practical and Effective Approaches to Sex Offender Policy.** Workshop Presented at the Association for the Treatment of Sexual Abusers, San Diego, CA: October 31, 2007.
- Doren, D. M. **The Next Step in Risk Assessment Models: The Risk Profile.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, San Diego, CA: November 1, 2007.
- Guay, J-P. **Etiological And Dispositional Differences In Rapists And Child Molesters.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, San Diego, CA: November 1, 2007.
- Harris, D. & Knight, R. **Offense Specialization And Versatility In The Criminal Careers Of Rapists And Child Molesters.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, San Diego, CA: November 1, 2007.
- Knight, R. **Differential Prediction Of Recidivism Between Rapists And Child Molesters: Do The Same Variables Predict Outcome?** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, San Diego, CA: November 1, 2007.
- Where The Tide Has Carried Us, Where We Need To Go: Sex Offender Public Policy In The New Millennium.** Symposium Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, San Diego, CA: November 2, 2007.
- Lussier, P. **Developmental Pathways Of Persistent Sexual Aggressors.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, San Diego, CA: November 2, 2007.
- Cale, J. **Antisocial Trajectories Of Adult Sexual Aggressors Of Women.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, San Diego, CA: November 2, 2007.
- Thornton, D. **Integrating Polygraph-Assisted Disclosure In A SVP Treatment Program.** Papers Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, San Diego, CA: November 2, 2007.
- Ward, T. **The Good Lives Model Of Rehabilitation: Theory, Practice And Research.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers,

San Diego, CA: November 3, 2007.

Yates, P.M. **The Good Lives And Self-Regulation Models Of Rehabilitation: Implications For Clinical Practice.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, San Diego, CA: November 3, 2007.

Harris, A. **Stable-2007.** California Department of Mental Health. Shell Beach, CA: January 28-29, 2008.

Helmus, L., Hanson, R. K., & Thornton, D. **The Stability of Recidivism for Static-2002 Risk Categories.** Paper Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Atlanta, GA: October 23, 2007.

Harris, A., Helmus, L., & Hanson, R. K.. **Are New Norms Needed for Static-99?** Paper Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Atlanta, GA: October 23, 2007.

Doren, D. M. **What do the New Actuarial Findings Mean for "Real-life" Risk Assessments?** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Atlanta, GA: October 23, 2007.

Doren, D. M. **Empirically-Based Recidivism Risk Assessment Estimate Extrapolations across Time and Outcome Measure.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Atlanta, GA: October 23, 2007.

Doren, D. M. **Determining the Effect Offender Age Has on Sexual Recidivism Risk.** Paper Presented at the Annual Meeting of the Association for the Treatment of Sexual Abusers, Atlanta, GA: October 23, 2007.

Mann, R. E., Hanson, R. K., & Thornton, D. **What Should Be Assessed in Sexual Offender Risk Assessment?** Paper Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Atlanta, GA: October 24, 2007.

McKee, G. & Dwyer, R. G. **Characteristics of SVPs Committed by Trial.** Paper Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Atlanta, GA: October 24, 2007.

Mercado, C. C. & Ackerman, A. **An Examination of Factors that Predict Sexually Violent Predator (SVP) Commitment in a Sample of Treated Sex Offenders.** Paper Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Atlanta, GA: October 24, 2007.

Cortoni, F. **Making sense of sex offender treatment models.** Workshop Presented by the Minnesota Department of Correction. St. Paul, February 6, 2009.

- Doren, D. **Current Issues in Sex Offender Recidivism Risk Assessment.** Minnesota Association for The Treatment Of Sexual Abusers, Minneapolis, MN: April 15, 2009.
- Thornton, D. **Advanced Topics in Risk Assessment of Sex Offenders.** St. Paul, MN: April 23, 2009.
- Helmus, L. & Hanson, R. K. **Actuarial Risk Assessment: Static-2002 Training.** Workshop Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: September 30, 2009.
- Hanson, R. K., Helmus, L. & Phenix. A. **Static-99 And Static 2002: How To Interpret And Report Scores In Light Of Recent Research.** Workshop Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: September 30, 2009.
- Helmus, L. **Methods For Combining Historical And Psychological Risk Factors: Using The Static 2002 And Stable-2007.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 1, 2009.
- Harkins, L., Beech, A.R. & Thornton, D. **The dynamic risk domains assessed using psychometric measures to revise relative risk assessments using Static-2002 and Risk Matrix 2000.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 1, 2009.
- Wakeling, H. **An examination of the incremental predictive validity of self report psychometric measures used within Her Majesty's Prison Services' National Sexual Offender Program.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 1, 2009.
- Thornton, D. & Knight, R. **Using SRA Need Domains based on structured judgment to revise relative risk assessments based on Static-2002 and Risk Matrix 2000.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 1, 2009.
- Kingston, D. A. **Conceptualizing and diagnosing problematic hypersexuality: A critical evaluation of current practice.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 1, 2009.
- O'Brien, M.D., Marshall, L.E., & Kingston, D. A. **Problematic hypersexual behavior in incarcerated sexual offenders and socio-economically matched community comparison group.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 1, 2009.
- Marshall, L.E. & O'Brien, M.D. **Treatment for incarcerated sexual offenders with problematic hypersexual behavior.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 1, 2009.

- Seto, M. **What do we know about child pornography offenders?** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 2, 2009.
- S. Sachsenmaier. **Paraphilia Not Otherwise Specified: Is there a case to be made for “Non-Consent?”** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 2, 2009.
- Helmus, L., Thornton, D. & Hanson, R. K. **Should Static-99 Recidivism estimates be adjusted based on age at release? A multi-sample exploration.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 2, 2009.
- Thornton, D., Helmus, L., & Hanson, R. K. **Does Static-2002 fully allow for the effects of age at release?** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 2, 2009.
- Barbaree, H., Langton, C. & Blanchard, R. **Examining the confound between aging and actuarial risk.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Dallas, TX: October 2, 2009.
- Wong, S. & Olver, M. **Violence Risk Scale - Sexual Offender Version (VRS-SO) Training.** California Department of Mental Health, Sacramento, June 24-25, 2010.
- Hare, R. & Forth, A. **Assessing psychopathy: Clinical and forensic applications of the Hare Psychopathy Checklist Measures (PCL-R, PCL:YV, & PCL:SV).** Presented by the Darkstone Research Group, St, Paul, MN: July 14-15.
- Thornton, D. **Interpreting Static-99R and Static-2002R in light of recent research.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 20, 2010.
- Knight, R.. **Transforming prevention and intervention: What guidance does etiological research on rape provide?** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 21, 2010.
- Cortoni, F. **The developmental context of deviant sexual fantasies among rapists.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 21, 2010.
- Longpre, N. & Cortoni, F. **The implicit theories of adult rapists.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 21, 2010.
- Proulx, J. & Beauregard, E. **Lifestyle and pre-crime factors in the offending processes of marital rapists.** Presented at the Annual Meeting of the Association For The Treatment

Of Sexual Abusers, Phoenix, AZ: October 21, 2010.

Mann, R. E. **Sexual offender treatment targets.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 21, 2010.

Ware, J. **Acceptance of responsibility –Is it needed?** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 21, 2010.

Barnett, G. & Mann, R. E. **Victim empathy –Is it needed?** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 21, 2010.

Kafka, M. **Sexual offender assessment: DSM-5 proposals modifying diagnostic criteria for paraphilias and related disorders.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 22, 2010.

Cortoni, F. **What works or what's in style: Directions in treatment practices with sexual offenders.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 22, 2010.

Helmus, L. **Do attitudes tolerant of sex offending predict recidivism? A meta-analysis and discussion of moderating variables.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 22, 2010.

Babchishin, K.M. & Nunes, K. L. **A meta-analysis of implicit association testst adapted to measure sexual interest in children.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 22, 2010.

Ciardha, C.O. **A theoretical framework for understanding the relationship between deviant sexual interests and cognitive distortions.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 22, 2010.

Babchishin, K.M. & Hanson, R.K. **Even highly correlated measures can add incremental to risk prediction: Comparing Static-99R and Staic-2002R.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 22, 2010.

Harris, A.J.R. **Adjusting recidivism estimate on the basis of time free.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 22, 2010.

Thornton D. **Can psychological risk factors account for the effect of pre-selection on recidivism?** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Phoenix, AZ: October 22, 2010.

Brown-McBride, S. **Practical alchemy and the transformation of the public safety agenda.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual

Abusers, Phoenix, AZ: October 22, 2010.

Thornton, D. **Structured Risk Assessment (SRA): Using the Forensic Version of the SRA in sex offender risk assessment.** Atascadero, CA: December 2-3, 2010.

Byrne, P. **Sexual Arousal Management: A Role in Updated Treatment Programs.** Workshop Presented by the MnATSA and the Minnesota Department of Corrections. St. Paul, MN: March 14, 2011.

Thornton, D. & D'Orazio, D. **SRA: FV Need Assessment (L): Practical Training in Scoring.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 2, 2011.

Thornton, D. **Evidence Supporting the Need for a Diagnostic Category for Paraphilic Coercive Disorder.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 3, 2011.

Knight, R. **Evidence Against Including a Diagnostic Category for Paraphilic Coercive Disorder.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 3, 2011.

Sims-Knight, J. & Guay, J-P. **Is PCD a Distinct Construct: Comparisons with Other Constructs in DSM-5.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 3, 2011.

Sachsenmaier, S. & Thornton, D. **Assessing Dynamic Risk Factors: The Structured Risk Assessment-Forensic Version.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 3, 2011.

D'Orazio, D. & Thornton, D. **Levels of Criminogenic Need in Outpatient Treatment and SVP Populations.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 3, 2011.

Thornton, D. & Knight, R. **Interpreting SRA: FV Total Need Scores.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 3, 2011.

Cantor, J. **Brain Research and Pedophilia: What it Means for Assessment, Treatment and Policy.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 4, 2011.

Harris, G. & Rice, M. **Actuarial Assessment of Sex Offender Risk with the SORAG: I. Recent Findings from Follow-up Research.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 4, 2011.

Rice, M. & Harris, G. **Actuarial Assessment of Sex Offender Risk with the SORAG: II.**

- Findings from a Long-term Follow-up.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 4, 2011.
- Duwe, G. **The Minnesota Sex Offender Screening Tool-3.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 4, 2011.
- Olver, M., Nicholaichuk, T. & Wong, S. **The Violence Risk Scale-Sexual Offender Version: Development, Clinical Applications, and Research Synthesis.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 4, 2011.
- Wolak, J. **What We Know (And Don't Know) About Internet Sex Offenders.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Toronto, CA: November 5, 2011.
- Knight, R.A. & Sims-Knight, J. **Using the MIDSA to Assess the Treatment Needs of Juvenile and Adults Who Sexually Offend.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 17, 2012.
- Thornton, D. & D'Orazio, D. **Diagnosing Paraphilia When Facts Are Thin: The Diagnostic Significance of the Minimum Victim Count.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 18, 2012.
- D'Orazio, D. & Thornton, D. **Here Be Dragons: When is Working Off the Map Justifiable?** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 18, 2012.
- D'Orazio, D. & Thornton, D. **The Erotic Foci of Hypersexual Sexual Offenders.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 18, 2012.
- Thornton, D. & Sachsenmaier, S. **Need Profiles in an SVP Population: Implications for Treatment.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 18, 2012.
- Sachsenmaier, S. & Thornton, D. **Need Profiles in an SVP Population: Implications for the Evaluation of Change.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 18, 2012.
- D'Orazio, D. & Thornton, D. **SRA-DV Need Profiles in Lower Risk and High Risk Samples; Correspondence with DSM Paraphilia Diagnoses.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 18, 2012.
- Beier, K.M. **The German Dunkelfeld Project: Proactive Strategies to Prevent Child Sexual Abuse the Use of Child Abusive Images.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 19, 2012.

- Finkelhor, D. **The Challenges for Prevention.** Presented at the Annual Meeting of the Association For The Treatment of Sexual Abusers, Denver: October 19, 2012.
- Helmus, L. & Hanson, R.K. **Performance of Individual Items of Static-99R and Static-2002R.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 19, 2012.
- Harris, A. J.R. & Hanson, R.K. **When is a Sex Offender No Longer a Sex Offender?** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October, 2012.
- Hanson, R.K. & Thornton, D. **Preselection effects Can Explain Variability in Sexual recidivism Based Rates in Staic-99R and Staic-2002R in Validation Studies.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 19, 2012.
- Hanson, R.K. & Harris, A.J.R. **The Reliability and Validity of STABE-2007: A Review of the Research.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 19, 2012.
- Helmus, L. & Hanson, R.K. **Dynamic Risk Assessment Using STABLE-2007: Updated Follow-up and New Findings from the Dynamic Supervision Project.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 19, 2012.
- Fernandez, Y. & Harris, A.J.R. **STABLE-2007: Aids to Scoring, New Recidivism Tables, and Manual Revision Overview.** Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Denver: October 19, 2012.

Juvenile Sex Offenders:

- Predicting Adolescent Recidivism.** Association for the Treatment of Sexual Abusers, Orlando, FL: September 22, 1999.
- Friedrich, W.N. & Chaffin, M. **Developmental-Systemic Perspectives on Children with Sexual Behavior Problems.** Association for the Treatment of Sexual Abusers, San Diego, CA: November 4, 2000.
- Hunter, J. **Youth Sexual Aggression: Subtypes And Trajectories.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.
- Chaffin, M. **A Research Agenda For Evidence-Based Practice With Adolescent Sex Offenders.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.

- Letourneau, F. **Effectiveness Trial: MST With Juvenile Sex Offenders.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.
- Miner, M.H. **Understanding The Adolescent Sex Offender: Attachment Style & Social Isolation.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.
- Hicks, S.J. & Becker, J.V. **Policy Recommendations For Addressing Juvenile Sex Offending.** Association for the Treatment of Sexual Abusers, St. Louis, MO: October 10, 2003.
- Prescott, D.S. **Juvenile Risk Assessment: Current Practice And Future Directions.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 27, 2004
- LaLumiere, M.L. & Seto, M.C. **The Role Of Antisociality In Juvenile Sex Offending.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 29, 2004.
- Seto, M.C. & LaLumiere, M.L. **Social And Clinical Functioning Of Juvenile Sexual And Nonsexual Offenders.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 29, 2004.
- Epperson, D., Ralston, C. & Fowers, D. **Juvenile Sexual Recidivism Into Adulthood: A Long-Term Study Of Characteristics And Predictors.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 29, 2004.
- Prentky, R., Pimental, A. & Cavanaugh, D. **Risky Behaviors In Sexually Reactive Children And Adolescents: Base Rates Across Four Developmental Epochs.** Association for the Treatment of Sexual Abusers, Albuquerque, NM: October 9, 2004.
- Salter, A. **Adolescent sex offenders.** Forensic Evaluation, Treatment and Risk Management Conference: State Operated Forensic Services, St. Peter, MN, October 23, 2006.
- Worling, J. **Risk Assessment with Adolescents Who Have Offended Sexually.** Workshop Presented at the Annual Meeting of the Association For The Treatment Of Sexual Abusers, Atlanta, GA: October 22, 2007.
- Epperson, D. **Juvenile Sexual Offense Recidivism Risk Assessment Tool (JSORRAT-II): Updated Research.** Minnesota Association For The Treatment Of Sexual Abusers, Minneapolis, MN: April 17, 2009.

Assessing Violence:

- Meloy, J. Reid. **Assessing the Potential for Violence.** Specialized Training Service. Minneapolis, MN. February, 1994.
- Alberg, T. & Austin, J. **Assessing Violent Behavior.** Minnesota Psychological Association, St. Paul, MN, April, 1996

Meloy, J. Reid. **Stalking: The State of the Science.** American Academy of Forensic Psychology. San Juan, Puerto Rico, June 9, 2006.

Child Custody & Allegations of Child Sexual Abuse:

Greenberg, S. **Child Custody Evaluation.** American Academy of Forensic Psychology. Portland, OR, June 20-22, 1996.

Sparta, S. **Comprehensive Child Custody Evaluations.** American Academy of Forensic Psychology. Toronto, Canada, March 26, 1999.

Kirkpatrick, H.D. **Forensic Assessment of Child Sex Abuse Allegations.** American Academy of Forensic Psychology. Toronto, Canada, March 27, 1999.

Kelly, J. **Update on The Determination of Child Custody.** Minnesota Psychological Association & the Minnesota Chapter of the American Academy of Matrimonial Lawyers. Minneapolis, MN May 7, 1999.

Minnesota Institute of Legal Education. **Family Law: Custody 2000.** Minneapolis, MN December 2, 1999.

Minnesota State Bar Association: **Annual Family Law Institute.** St. Paul, MN. March 2000.

Stahl, P. **The Combat Zone of High-Conflict Divorce.** Minnesota Interdisciplinary Committee on Divorce. Brooklyn Park, MN. April 27-28, 2000.

Waldron, K. H. & Joanis, D. E. **Truth and Consequences in High Conflict Divorce.** Minnesota Interdisciplinary Committee on Divorce. Brooklyn Center, MN. April 20, 2001.

Johnston, J.R. **High Conflict Divorce.** Minnesota Interdisciplinary Committee on Divorce. St. Paul, MN. April 19, 2002.

Ahrons, C. **Divorce and Remarriage: The Children Speak Out.** Colonial Counseling Center. Edina, MN. May 31, 2002.

Kelly, J. **Using Divorce & Child Development Research to Develop Beneficial Parenting Plans for Children.** Minnesota Interdisciplinary Committee on Divorce. St. Paul, MN. April 7, 2006.

Kelly, J. **Understanding & Sustaining Father Involvement After Separation & Divorce.** Minnesota Interdisciplinary Committee on Divorce. St. Paul, MN. April 7, 2006.

Kuehnle, K. **Critical Issues in Child Sexual Abuse Evaluations.** American Academy of Forensic Psychology. San Juan, Puerto Rico, June 11, 2006.

Personal Injury & Employment Discrimination:

Weissman, H. **Personal Injury Evaluation.** American Academy of Forensic Psychology. Portland, OR, June 17-19, 1996.

Greenberg, S. **Personal Injury Evaluations.** American Academy of Forensic Psychology. January 16-17, 1997. New Orleans.

Foote, W. **Forensic Psychology in Employment Discrimination.** American Academy of Forensic Psychology. March 2, 1997. Kansas City, MO.

Vore, D. **Personal Injury Evaluations: Ethics, Case Law, & Practice.** American Academy of Forensic Psychology. Toronto, Canada, March 25, 1999.

Sexual Harassment as Sexual Abuse: Current Research, Treatment and Issues.

Association for the Treatment of Sexual Abusers, Orlando, FL: September 22, 1999.

Foote, W. **Psychological Evaluation & Testimony in Cases of Clergy or Teacher Sexual Abuse.** American Academy of Forensic Psychology. San Juan, Puerto Rico, June 12, 2006.

Criminal Evaluations for Adults & Juveniles:

Grisso, T. **Assessment of Juvenile Offenders.** American Academy of Forensic Psychology. February 27, 1996. Kansas City, MO.

Shapiro, D. **Criminal Forensic Psychology.** June 16-18, 1997. American Academy of Forensic Psychology. Portland, OR.

Minnesota Attorney General's Office. **Update on Juvenile Justice Issues.** St. Paul, MN. June 18, 1999.

Slobogin, C. **Psycholegal Issues in Criminal Cases.** American Academy of Forensic Psychology. San Diego, CA. March 3, 2005.

Packard, R.L. & Stern, P. **Dissociative Identity Disorder in the Courtroom.** Association for the Treatment of Sexual Abusers, Salt Lake City, UT: November 18, 2005.

Cauffman, E. **Adolescents As Adults In Court.** American Academy of Forensic Psychology. San Juan, Puerto Rico, June 8, 2006.

Fitness for Duty/Workplace Violence & Risk:

Inwald, R. **Introduction to Psychological Screening for High-Risk Occupations.** March 20, 1998. American Academy of Forensic Psychology. Milwaukee, WI.

Hargrave, G. **Assessment of Workplace Violence.** American Academy of Forensic Psychology. Toronto, Canada, March 28, 1999.

General Forensic Issues and Methods:

Meyers, R. **Intermediate and Advanced Forensics.** American Academy of Forensic Psychology. February 28, 1997. Kansas City, MO.

Rogers, R. **Advanced Topics in Assessment and Diagnosis.** June 20-21, 1997. American Academy of Forensic Psychology. Portland, OR.

Bognacki, D. **Developmental Disabilities and the Law.** March 19, 1998. American Academy of Forensic Psychology. Milwaukee, WI.

Otto, R.K. **Assessment of Response Style in Forensic Contexts.** American Academy of Forensic Psychology. San Diego, CA. March 5, 2005.

CLINICAL:

Hoyt, M. **Brief Therapy and Managed Care.** New England Educational Institute. August 7-11, 1995. Eastham, Mass.

Berman, A.L. et al. **Assessment and Treatment with Suicidal Adolescents/Adults.** American Association of Sociology. July 22-27, 1995. Santa Fe, New Mexico.

Koocher, G. **Preparing for the American Board of Professional Psychology Diplomate Examination.** American Academy of Forensic Psychology. Portland, OR: June, 1996.

Swenson, C. **Dialectical Behavior Therapy for Borderline Personality Disorders.** American Continuing Education. Minneapolis: October 30, 1996.

Schoener, G. R. **Professionals at Risk: Ethical, Legal and Boundary Issues.** National Association of Social Workers. St. Paul: September 18, 1997.

Franz, J.P. **Creative Consequences for Juvenile Offenders.** Hennepin County Children's Mental Health Collaborative. Minneapolis, MN: September 29, 998.

Berman, A.L. **Clinical Suicidology.** Minnesota Coalition for Death Education, and Support. St. Paul, MN: October 2, 1998.

Hicks, M.D. & Peterson, D.B. **The Art and Practice of Executive Coaching.** Minnesota Psychological Association. November 6, 1998.

O'Hanlon, B. **Keeping Your Soul Alive: Spiritual, Personal and Professional Renewal.** Marco Island, FL: February 18-22, 2002.

CONSULTING EXPERIENCES

- 1999-2008 Consultant, Sexually Violent Predator Integrated Group Network (SIGN)(Iowa/Minnesota Representative)
- 1999-2000 Consultant/Trainer, Minnesota Department of Children, Learning & Families. Forensic Investigation of Children Alleged to be Victims of Abuse & Neglect in School Settings
- 1994-1997 Psychotherapy Consultant & Supervisor, McKnight Multi-Center Study on Relapse Prevention in Bulimia and Anorexia Nervosa
- 1993-1995 National Institute of Mental Health Child & Adolescent Psychosocial Interventions Research Consortium (CAPIRC): Vice-Chairman
- 1993-1995 Consultant Psychologist, Society for Adolescent Medicine (SAM), Practice Parameters for Treatment of Adolescents with Eating Disorders
- 1988-1992 Psychological Consultant, Outpatient & Inpatient Eating Disorders Programs, Golden Valley Health Center
- 1988 - 1989 Consultant on Adolescent Development, Target Interactive Video Project on HIV Prevention for Adolescents
- 1985 - 1986 Consulting Psychologist, Comprehensive Clinic for Abused & Traumatized Children (CCATCH), University of Minnesota Medical School
- 1985 - 1989 Instructor, American Healthcare Institute, Continuing Education Workshops:
 1. Short-Term Treatments for Children, Adolescents and Families
 2. Eating and Weight Disorders in Children and Adolescents
 3. Depression and Suicidal Behavior in Youth
- 1985 - 1987 Behavioral Scientist, Diabetes Control and Complications Trial (DCCT)
- 1984 - 1986 Consultant, Family Court, Scott County, Minnesota, regarding: childhood sexual abuse.

AWARDS

- 1986 Minnesota Extension Service Director's Award for Outstanding Service:
(Teens in Distress: for High Risk Youth)
- 1990 U.S. Department of Agriculture: Distinguished Service Award

GRANTS (SELECTED)

- Variety Club: Distinguishing Characteristics of Youthful Suicide Attempters (\$21,600)
- National Institute of Mental Health: Depression: Awareness, Recognition, and Treatment:
DART for Youth (\$294,693)
- National Institute of Mental Health: Psychiatric Disorders Among Native American
Adolescents (\$1,122,167)
- McKnight Foundation: Treatments for Anorexia and Bulimia Nervosa

OTHER PROFESSIONAL ACTIVITIES

Ad-Hoc Journal Reviewer:

Journal of Clinical and Consulting Psychology
Issues in Law and Medicine
International Journal of Eating Disorders
Child Development
Journal of Mental Health Administration
Health Psychology
Cognitive Therapy and Research
Developmental Psychology
Psychological Bulletin
Psychology Review

PUBLICATIONS

Lewinsohn, P.M. and Hoberman, H.M. (1981). Behavioral and cognitive approaches to treatment. In E.S. Paykel (Ed.), **Handbook of Affective Disorders**. Edinburgh: Churchill Livingstone.

Lewinsohn, P.M. and Hoberman, H.M. (1982). Depression. In A.S. Bellack, M. Hersen and A.E. Kazdin (Eds.), **International Handbook of Behavior Modification and Therapy**. New York: Plenum Press, p.397-431.

Lewinsohn, P.M., Ten, L. and Hoberman, H.M. (1982). Depression: A perspective on etiology, treatment and life-span issues. In M. Rosenbaum and C. Franks (Eds.), **Perspectives on Behavior Therapy in the Eighties**. New York: Springer, p.155-183.

Cohen, S. and Hoberman, H.M. (1983). Positive events and social supports as buffers of life change stress: Maximizing the prediction of health outcomes. **Journal of Applied Social Psychology**, **13**, p. 99-125.

Cohen, S., Mermelstein, R., Kamarek, T. and Hoberman, H.M. (1984). Measuring the functional components of social support. In I. Sarason and B.R. Sarason (Eds.), **Social Support: Theory, Research and Applications**. Boston: Nijhoff.

Lewinsohn, P.M., Hoberman, H.M., Ten, L. and Hautzinger, M. (1985). Toward an integrative theory of unipolar depression. In S. Reiss and R.R. Bootzin (Eds.), **Theoretical Issues in Behavior Therapy**. New York: Academic Press.

Hoberman, H.M. and Lewinsohn, P.M. (1985). Behavioral approaches to the treatment of unipolar depression. In E.E. Beckham and W.R. Leber (Eds.), **Handbook of Depression: Treatment, Assessment and Research**. Homewood, Illinois: Dorsey.

Sonis, W.A., Yellin, A.M., Garfinkel, B.D. and Hoberman, H.M. (1987). The antidepressant effect of light in seasonal affective disorder of childhood and adolescence. **Psychopharmacology Bulletin**, **23**, p.360-363.

Hoberman, H.M., Lewinsohn, P.M. and Tilson, M. (1988). Group treatment of depression: Individual predictors of outcome. **Journal of Consulting and Clinical Psychology**, **56**, p.393-398.

Hoberman, H.M. and Garfinkel, B.D. (1988). Completed suicide in youth. **Canadian Journal of Psychiatry**, **33**, p.494-502.

Hoberman, H.M. and Garfinkel, B.D. (1988). Completed suicide in children and adolescents. **Journal of the American Academy of Child & Adolescent Psychiatry**, **27**, p 689-695. (Also selected for publication in S. Chess & M.E. Hartzig (eds.), **Annual Progress in Child Psychiatry and Child Development**, 1989. New York: Brunner/Mazel.)

Lewinsohn, P.M., Hoberman, H.M. and Rosenbaum, M. (1988). Risk factors for unipolar depression. **Journal of Abnormal Psychology**, **22**, p.251-264.

Hoberman, H.M. (1988). The impact of sanctioned assisted suicide on adolescents. **Issues in Law and Medicine**, 4, p.191-205.

Hoberman, H.M. (1988). Adolescent psychopathology: An attempt at an integrated perspective. Book review of "Attack on the self: Adolescent behavioral disturbances and their treatment." By Derek Miller in **Contemporary Psychology**, 33, p.624-625.

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(December 2012)

FILED

FEB 12 2013

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

NO. 13200608-6

In re the Detention of:

JAMES EDWARD JONES,

Respondent.

ORDER DETERMINING EXISTENCE
OF PROBABLE CAUSE, DIRECTING
ISSUANCE OF WARRANT, AND
SETTING PROBABLE CAUSE
HEARING

THIS MATTER came before the Court on the State's ex parte motion for determination of probable cause to believe James Edward Jones is a sexually violent predator, for the issuance of a warrant for Respondent's custodial detention, and for an order setting an adversarial probable cause hearing in this matter within 72 hours of Respondent's arrest on the Court's warrant, as required by RCW 71.09.040(2). In determining this motion, the Court considered the pleadings submitted by the State, including the petition and certification for determination of probable cause. Based upon this, IT IS HEREBY ORDERED:

1. There is probable cause to believe James Edward Jones is a sexually violent predator, as that term is defined in RCW 71.09.020(18).

2. The Clerk of the superior court shall issue a **no bail** warrant of arrest, returnable forthwith, for the custodial detention of James Edward Jones.

3. Upon James Edward Jones' arrest on this Court's warrant, he shall be detained at the Spokane County Jail and not subject to bail.