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February 28, 2013

House Judiciary Committee
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

Dear Committee Members:

I am a forensic psychologist with expertise in risk assessment. This letter is to share with you my concerns regarding House Bill 2549 as currently written. This bill will substantially change the way sex offenders are monitored in the community by creation of a level system based on assessment. This is in line with evidence-based practices for sex offender monitoring and treatment, utilizing the Risk-Needs-Responsivity model. I believe that with some modification to the language and a requirement that the Department of Corrections include at least one psychologist with expertise in risk assessment in the decision of how to assess and classify offenders, this bill could place Oregon as a leader in the management of sexual offenders.

Concerns regarding the legislative language:

- Inclusion of those under the Psychiatric Security Review Board.
 - Actuarial assessments do not align well to these offenders.
 - These individuals receive treatment not provided to those in corrections, which reduces risk.
 - These individuals tend to have full sex offender assessments done, beyond what is proposed in this bill.
- Use of a single score to make a high stakes decision.
 - The planned assessment is not specific enough to be used this way.
- No ability to appeal placement decision.
 - Criminal history is what comprises much of the score, and LEDS often contain errors.
 - Violates constitutional due process protections.
- Current research on risk assessment states that risk classification is secondary to individual management strategies.

Concerns regarding the assessment chosen by the Department of Corrections, the STATIC-99:

- Does not conform with the Risk-Needs-Responsivity model put forward by the workgroup.
- Cannot be used on all offenders.
 - Cannot be used on statutory or female offenders.
- Does not address treatment needs or progress.

- More conservative than other assessments, thereby over-predicting risk in most cases.
- Cannot be used on offenders whose offenses were more than 10 years prior to the assessment, and caution is urged if the offender was released more than 2 years prior.

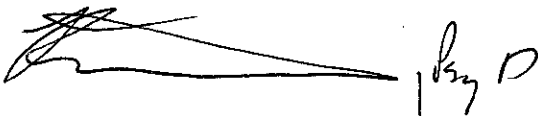
Recommendations:

- Exclude offenders found Guilty Except for Insanity.
- Establish process for appeal of level placement.
- Mandate that DOC have at least one psychologist with expertise in risk assessment involved in process of assessment tool selection.
- Review Massachusetts system for potential model.

In conclusion, these changes will help ensure that the process is fair, ensures that the rights of all are respected, public safety is maintained, and that it can be done in such a way as to maximize fiscal stewardship.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian Hartman', with a long horizontal line extending to the left.

Brian Hartman, PsyD
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