

Psychosexual Evaluations



In Court

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6th Judicial District

T.C.A. 39-13-705(a)

Evaluation for Probation

- “ . . . each sex offender who is to be **considered for probation or any other alternative sentencing** **SHALL** be required to submit to an evaluation for treatment, risk potential, procedures required for monitoring of behavior to protect victims and potential victims, and an identification under the procedure developed in 39-13-704(d)(1)”

Offenses Eligible For Probation

- Rape
- Sexual Battery
- Statutory Rape
- Aggravated Statutory Rape
- Promoting Prostitution
- Aggravated Prostitution
- Sexual Battery by an Authority Figure
- Solicitation of a Minor
- Solicitation of a Minor by Electronic Means
- Sexual Exploitation of a Minor



T.C.A. 39-13-705(b)

If No Agreement as to Sentence

- “Those **offenders found guilty at trial or who pled guilty without an agreement as to length of sentence, probation, or alternative sentencing** that are to have a presentence report prepared for submission to the court SHALL be required to submit to evaluation referred to in (a),”
- “The evaluation SHALL be included as part of the presentence report and SHALL be considered by the court in determining the sentencing issues stated in this section . . .”
- “If the court grants probation or alternative sentencing, any plan of treatment recommended by the evaluation SHALL be a condition of the probation or alternative sentencing.”
- “Those **offenders who, as part of a negotiated settlement of their case, are to be placed on probation or alternative sentencing**, SHALL be required to submit to the evaluation in section (a) as condition of their probation or alternative sentencing; and any plan of treatment recommended by the evaluation shall be a condition of probation or alternative sentencing.”



T.C.A. 39-13-704(d)(2)

Rule for Evaluation

- “The board shall develop and prescribe a standardized procedure for the evaluation and identification of sex offenders. The procedure shall provide for an evaluation and identification of the offender and recommend behavior management monitoring and treatment **based upon the knowledge that sex offenders are extremely habituated and that there is no known cure of the propensity to commit sex abuse . . .**”
- “The board shall develop and implement methods of intervention for sex offenders that have as a priority the physical and psychological **safety of victims and potential victims** and that are appropriate to the needs of the particular offender ; provided, that there is no reduction of the safety of victims and potential victims.”

“The board shall develop and prescribe a standardized procedure for the evaluation and identification of sex offenders”

- Ethical Standards and Principals for the Management of Sexual Abusers
 - By the Association for the Treatment of Sexual Abusers
- Agreement to abide by the standards



ATSA Section 3: Evaluation

- 3.03: In preparing evaluation of sexual abuser, evaluators are expected to: . . .
- (e) Be mindful of the limitations of a client's self-report and make all possible efforts to verify the information provided by the client



ATSA Section 3: Evaluation



- 3.06: A thorough review of written documentation and collateral interviews should include gathering and reviewing information from all available and relevant sources

ATSA Section 3: Evaluation

- 3.06 (continued)
- Including . . .
 - Criminal Investigative Records
 - Child Protection Services Investigations
 - Previous Evaluations and Treatment Progress Reports
 - Mental Health Records and Assessments
 - Medical Records
 - Correctional System Reports
 - Probation/Parole Reports
 - Offense Statements from Abuser
 - Offense Statements from Victim

ATSA Section 3: Evaluations

- 3.07

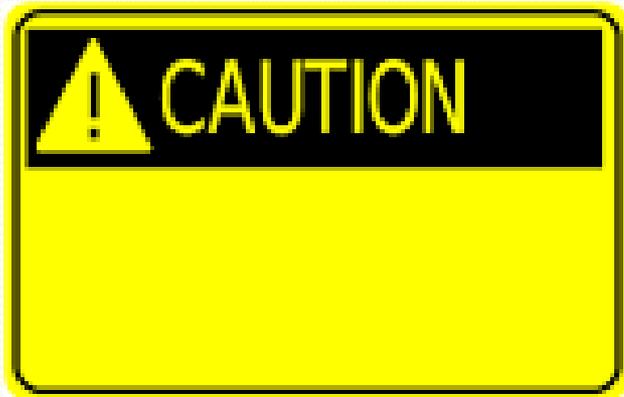
- When possible, interviews with the client's significant other and/or family of origin should be conducted



ATSA Section 3: Evaluation

- 3.08

- Any evaluation conducted without collateral information should be interpreted cautiously



- 3.09

- In addition to the evaluation procedure summaries, conclusions and recommendations, all collateral reports and interviews should be listed and acknowledged in the written evaluation report

ATSA Section 3: Evaluation

- 3.17

- The clinical interview must incorporate sufficient discussion necessary to augment, clarify and explore the information obtained from the review of collateral materials (and interviews), as well as the other components of the evaluation

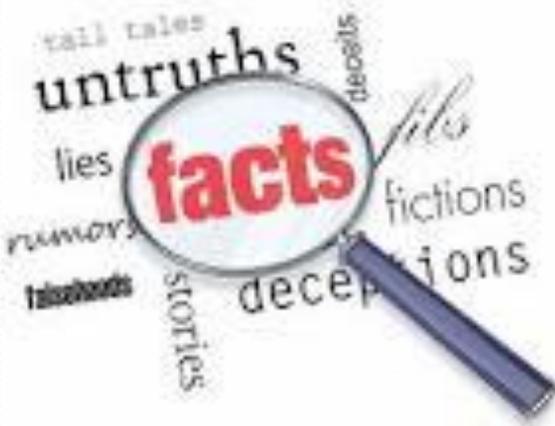
- 3.18

- It is important to note the degree of similarity or disparity between the abuser and victim's statements



ATSA Section 3: Evaluation

- 3.19
 - The client's explanation for false allegations should be documented



ATSA Section 3: Evaluation

- 3.21

- Both community safety and the degree to which an abuser is capable/and willing to manage risk should be considered when generating recommendations





Where am I going to get all of this
information?

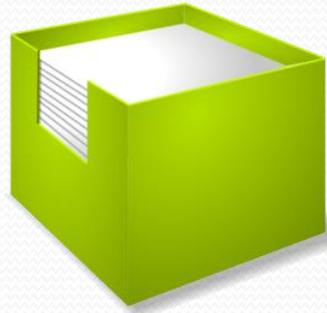
Our Partners

- Child Abuse Investigative Team (CPIT)
 - The Department of Children's Services
 - DCS Investigators
 - DCS Legal
 - Law Enforcement
 - May include Internet Crimes Against Children (ICAC)
 - Medical/TBI
 - Child Advocacy Center
 - District Attorney's Office
 - Mental Health Professionals
 - Juvenile Court



Information Gathered by Partners

- Referral
- DCS Investigation
 - Home visits
 - Family History
 - Collateral Interviews
- Law Enforcement file
 - 911 Calls
 - Interviews of Defendant
 - Interviews of Victim
 - Interviews of Witnesses
 - Search Warrants
 - Internet History
 - Cell Phone Examination
 - Computer Examination
 - Physical Evidence
 - DNA
 - Drug Test



- Video
- One Party Consent Call
- Child Advocacy Center Forensic Interview
- Medical Records
- Court Testimony
 - Juvenile and Criminal Court
 - *May have previous psychosexual evaluation*
- Criminal History
- Corrections Institution Information
 - Disciplinary Records
 - Emails
 - Jail Phone Calls

The Process

- Once the team determines that a case should be “Substantiated” the District Attorney’s Office will get the information collected by the other agencies



- Defendant is arrested
- Defendant is represented by counsel



ODELL W. McCONNELL,
Attorney, Helena.

- Defendant’s counsel requests Discovery under Rule 16



Prosecutors may have information
that Defense Attorneys DO NOT
have access to

Prosecutors can provide the entire
picture because their job is to
promote justice—not advocate for
a client

Roles

Defense Counsel's Role

- Zealously Advocate for the Defendant
 - Act in the Defendant's best interest
 - Avoid Jail Time



Prosecutor's Role

- Prosecutors represent the State of Tennessee—not the victim!
- Promote Justice
- Keep the Community Safe



The Process

- Following Discovery . . .
 - Plea Agreement
 - Trial



- If Guilty (plea agreement or guilty verdict) and eligible for probation / alternative sentencing . . .
 - Must undergo Psychosexual Evaluation

****Remember client has already admitted guilt or has been found guilty**