

# Sex Offender Recidivism in Missouri and Community Correction Options

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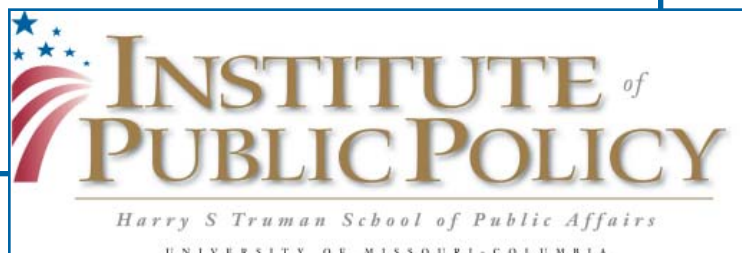
Missouri Sentencing Advisory Commission

Prepared by:

Institute of Public Policy  
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University of Missouri – Columbia

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## Executive Summary

There has been substantial public scrutiny over the release of sex offenders to the community, predominantly for individuals who have assaulted young children. The vast majority of sex offenders, however, will be returned to the community following incarceration. Understanding the recidivism patterns of sex offenders and successful community corrections options are one step in developing effective sentencing and correctional policies.

Using data provided by the Missouri Department of Corrections, a sample of men in all offense categories released from Missouri prison in 1998 was analyzed. The sample was analyzed by demographic factors, criminal history, and institutional behavior. The results show that Missouri sex offenders were more likely to be older, white, and have less educational and employment deficits than the general prison population. Sex offenders were significantly more likely to have consistent employment histories, have been convicted of a prior sex crime, provide moderate risk to the public, have a higher salient factor score, have lower institutional risk scores, and to have spent more time in prison. Sex offenders spent significantly more time in prison than offenders who had committed other types of crime.

Consistent with prior studies on prisoner recidivism, inmates convicted of property crimes had the highest recidivism rates. Sex offenders had the lowest rates of recidivism and the Missouri rates were consistent with national averages. Little variation in recidivism outcomes was observed for sex offender types in the current sample. Although the rates

of recidivism vary across offender groups, when these men do recidivate, they are more likely to commit the type of offense for which they were previously imprisoned. For sex offenders in Missouri, however, a smaller percentage were convicted of another sex crime. Analyses to determine which independent variables were predictors of recidivism could not be meaningfully conducted for sex offenders due to the small sample size. Future studies should consider recidivism outcomes from a multi-year cohort of sex offenders.

The state of Washington, as well as county jurisdictions in Illinois and Arizona have put into practice punishment policies, designed specifically for sex offenders, which have been regarded as effective alternative methods to punitively control those convicted of sex crimes. Washington sentencing statutes dictate statewide uniformity in the sentencing in addition to the use of intermediate community-based punishments for sex offenders. However, legislative bodies in Arizona and Illinois have not established similar statewide mandates; nonetheless, individual counties within each state maintain punishment policies mirroring those employed at a larger level in Washington. According to the literature, offenders who receive such sentences “differ in important ways from those sentenced to prison” (Hepburn and Griffin 2004:8). Indeed, they are commonly deemed as low-risk to the community and considered to have a moderate likelihood of committing another sex crime.

## Introduction

Recidivism among correctional populations is an



important gauge for assessing inmate risk and developing correctional programming. The concern over risk and recidivism is particularly acute for sex offenders. There has been substantial public scrutiny over the release of sex offenders to the community, predominantly for individuals who have assaulted young children. “Megan’s Law” and similar legislation has created an image of sex offenders as incorrigible. That noted, the vast majority of sex offenders will be returned to the community following incarceration; therefore, it is important to understand the recidivism patterns of this group and the community corrections options that are successful.

The first section of this report details the recidivism outcomes for a sample of men released from Missouri prison in 1998. The goal of this analysis is to provide a descriptive picture of sex offenders released to the community and to compare the recidivism outcomes for this group in reference to those of the general released population. In the second part of the report, the alternative sentencing practices for sex offenders in several states and jurisdictions throughout the United States are discussed. In these jurisdiction, the courts sentence particular classes of convicted sex offenders to a term of probation coupled with a brief period of incarceration as an alternative to a sentence of imprisonment. The report concludes with recommendations and suggestions for future research.

## Methodology

### Sample

Using data provided by the Missouri Department of Corrections, a sample of men in all offense categories released from Missouri prisons in 1998 were analyzed. The sample is comprised of individuals who were new parolees in 1998; men who were serving time on a 120 shock or were released after a recommitment for a parole violation were removed from the sample. The following sample includes only men because women are rarely arrested for sex crimes. In total, the sample includes 4,043 men, 200 of which were serving time for a sex offense. Nearly one third of the sex offender sample was serving time for sodomy charges; while 28 percent were incarcerated for rape, 27 percent for sexual assault, and 15 percent for sexual abuse (see Table 1).

The sample also includes 776 men who were serving time for personal offenses (e.g., murder, robbery, arson, assault), 1,631 for property crimes (e.g., burglary, larceny), 825 for

*Table 1. Percentage of Sex Offenders by Offense Classification*

<i>Type of Sex Offense</i>	<i>Percent</i>
Rape	27.5
Sexual Assault	27
Sodomy	30.5
Sexual Abuse	15

drug related-offenses, and 611 for other crimes (e.g., traffic, non-support).

### Variables

The sample was analyzed on a number of criteria to discern if sex offenders differed from other prisoners released in 1998. The analysis included demographic factors such as age, race, education, health care and employment needs, and mental health status. Criminal history was also considered through the public risk assessment, the salient factor score, and a measure of prior sex offense conviction. Institutional behavior was measured through an institutional risk score and the time each prisoner served prior to release. All of the risk assessment variables were developed by the Missouri Department of Corrections with the goal of effective institutional placement and offender control. These classifications have not been validated in past research. Instead, they provide a general picture of offender needs and risks.

The importance of employment for effective community re-entry has been well documented. Researchers have consistently reported a positive association between employment and desistance. Individuals given work following incarceration are significantly less likely to recidivate, even when the employment opportunities were of marginal quality. In the same light, poor employment prospects can also increase the likelihood of criminal involvement (see Table 2).

Poor mental health has also been linked to increased chances of recidivism. Nearly 20% of all state prison inmates report a mental health condition or an overnight stay in a mental hospital. In addition, individuals with mental health needs are more likely to be serving time for a violent offence, although not all mentally ill offenders are violent. The co-occurrence of mental health disorders and substance abuse further underlines the importance of considering health status when examining recidivism outcomes (see Table 3).



Table 2. Ratings for Education &amp; Mental Health Factors

<i>Rating</i>	<i>Education</i>	<i>Employment</i>
5	Severe educational impairment (grade level 0–2)	Very poor work history or refuses to work
4	Moderate educational impairment (grade level 3–5)	Poor work history — supervision required
3	Mild educational impairment (grade level 6–8)	Sporadic work history — unskilled satisfactory work reports
2	Minimal educational impairment (grade level 8)	Stable work history — undergoing training — satisfactory work reports
1	Educationally prepared	Stable work history — completed training — satisfactory work reports

Table 3. Ratings for Health &amp; Mental Health Factors

<i>Rating</i>	<i>Health</i>	<i>Mental Health</i>
5	Hospitalization required — acute or serious illness or disability	Severe impairment — special/residential psychiatric treatment
4	24 hour daily nursing supervision — close observation required	Moderate impairment — medication, supervision & regular clinic care
3	Daily nursing supervision — need frequent treatment or observation	Mild impairment — adjustment disorder needing regular clinic care
2	Routine sick call — occasional or minor health needs	Minimal impairment — mild personality disorder needing group therapy
1	No medical problems	Emotionally stable — no identified impairment

Table 4. Ratings for Public Risk Factors

<i>Rating</i>	<i>Public Risk Factors</i>
5	10+ years in prison term remaining and/or detainer or hold filed for capital offense or life sentence
4	7 to 10 years of term remaining and/or current sex offender
3	4 to 7 years of term remaining and/or prior sex offender
2	1 to 4 years of term remaining and/or misdemeanor detainer filed
1	Less than 12 months remaining until release because of the nature of their defense



The public risk assessment is a five point scale with higher scores indicating more risk to the community. This assessment was developed for use as an administrative/custody measure. It is dynamic in that scores decline as inmates approach their release date. However, sex offender public risk scores remain at a four or five for the entirety of their sentence (see Table 4).

The salient factors scores are used for sentencing and parole decisions and includes items designed to measure prior criminal history, social stability (e.g. drug use, age), and institutional behavior. Scores range from 0 to 11 with lower scores indicating high risk and requiring longer prison terms. This measure is ideal for understanding risk of recidivism as it has been validated by external research. The salient factor score is consistently being reviewed and updated, as it was in 2003 to incorporate dynamic measures of risk. The revised measure has also been validated.

The institution risk classification is a five point scale with higher scores indicating inappropriate conduct during incarceration.

Table 5. Ratings Institutional Risk Classification

<i>Rating</i>	<i>Institutional Risk Classification</i>
5	Assaulted staff or has supervised escape or other major conduct violation
4	Assaulted inmates, threatened staff or inmates or has continued conduct violations as level 4 (or 1 year of good adjustment at level 5)
3	Institutional substance abuse or continued conduct violations at level 3 (or 6 months good adjustment at level 4)
2	Poor adjustment at a Halfway House or Honor Care Center or continued violations at level 2 (or 6 months good adjustment at level 3)
1	Acceptable institutional adjustment or 90 days good adjustment at level 2

### *Sample Characteristics*

Descriptive statistics for the total sample and for sex offenders are presented in Table 6. The results show that sex offenders were more likely to be older, white, and have less educational and employment deficits than the general prison population. In specific, the average age of the sex offender sample was 38 years and 22 percent were African American; while the total sample averaged 33 years of age and 34 percent were African American (see Table 6).

As previously noted, education, health care, mental health care, and employment needs are measured on a five point scale with higher numbers indicating greater need. Most of the sample had mild educational deficits meaning they entered prison with the educational level of a 6th to the 8th grade student, although sex offenders had fewer deficits than the total sample. Employment needs were also greater among the total sample. Most of the sample had a sporadic work history, but sex offenders were significantly more likely to have consistent employment histories than the total sample.

The two groups were not significantly different with regards to ethnicity, medical and health care needs, and mental health care needs. A very small proportion of the total sample is Hispanic. In addition, very few medical and health care needs were reported.

Sex offenders were more likely to have been convicted of a prior sex crime, provide moderate risk to the public, have a higher salient factor score, have lower institutional risk scores, and to have spent more time in prison. The public risk score is much higher for sex offenders; however, this is to be expected given that the assessment includes an item that elevates sex offenders to a higher risk level.

Overall, sex offenders had significantly higher salient factor scores than the general prison population. As noted, a high salient factor score indicates lower risk. However, both groups, on average, had good salient factor scores. Sex offenders also had fewer incidents of misconduct while imprisoned, as signaled by the low scores on the institutional risk assessment. In contrast, sex offenders spent significantly more time in prison (1673.62 days) than offenders who had committed other types of crime, who averaged 744.02 days of incarceration.



Table 6. Descriptive Statistics by Sample Group

	<i>Total Sample</i>		<i>Sex Offenders</i>	
	Mean	Standard Deviation	Mean	Standard Deviation
<i>Demographic Characteristics</i>				
Age***	32.59	9.52	37.49	11.06
African American***	0.34	0.47	0.22	0.42
Hispanic/Latino	0.02	0.13	0.01	0.10
Education***	1.93	1.26	1.62	1.13
Health Care needs	1.36	0.64	1.31	0.62
Employment needs***	3.00	0.87	2.76	0.87
Mental Health	1.98	0.43	1.98	0.46
<i>Criminal History</i>				
Public Risk Assessment***	1.60	0.82	3.48	0.62
Salient Factor Score***	7.30	2.26	8.70	2.32
Prior sex offense Conviction***	0.29	0.45	0.01	0.08
<i>Institutional behavior</i>				
Institutional risk***	1.51	0.85	1.23	0.69
Time served***	744.02	889.49	1673.62	1364.44

*Offender groups are statistically different at \*\*\* $p < .001$  (two-tailed test)*

## Comparison of Recidivism Rates

Recidivism statistics by offense type are displayed in Table 7. Recidivism, in the current analyses, is classified as a new conviction for any crime. There is substantial variation in the manner in which recidivism has been measured (Maltz 1984) in past research studies. The reconviction measure is incomplete as it fails to capture criminal behavior that is not reported to the police or does not result in an arrest or reconviction. Using the reconviction measure may increase the chances of Type II errors. Although concerns over measurement are common to research of this type, care should be exercised when making cross-study comparisons of recidivism rates.

Consistent with prior studies on prisoner recidivism, inmates convicted of property crimes had the highest reconviction rates at 47.4 percent. This was followed by prisoners convicted of personal offenses (42.3 percent), other offenses (40.4 percent), and drug offenses (37.5 percent). There was little variation in time to re-conviction among offender groups. Men who

were convicted of personal offenses had the shortest times to reconviction. Although, there was little variation in time to failure among sample groups as the average time to reconviction was approximately four years.

Sex offenders had the lowest rates of reconviction (19 percent). The recidivism rate for the current sample is consistent with national studies of recidivism. Recent studies estimate that approximately 10 percent to 15 percent of sex offenders recidivate within 5 years (Hanson and Bussiere 1998). There is also evidence to suggest that reimprisonment rates may be higher. In a study of recidivism outcomes of prisoners released from 12 states, 39 percent of sex offenders were returned back to prison within three years (Langan, Schmitt, and Durose 2003). In addition, 30% percent of inmates released from Missouri prisons in 1998 were returned to prison within 3 years — 35 percent within five. The difference in statistics reflects the measurement of recidivism. Reimprisonment rates include individuals who were returned to prison for a new offense or a technical violation. The reconviction measure does not



include technical violations; therefore, the recidivism rate, as determined by the reconviction outcome, will be lower than a measure that represents reimprisonment.

It is important to note that the sex offender recidivism rate may be lower because there is substantial evidence to suggest that sexual offense recidivism rates are underreported. Studies on sex offender recidivism using self-report data reveal that actual offending behavior

report sexual assaults to the police when the offender was male, of a minority race, or used a weapon. In addition, victims more often report offenses that involved strangers or multiple assailants (Hart and Rennison 2003). It is important to consider offending and recidivism statistics in light of these omissions in reporting.

Although there are limitations to official recidivism statistics, it is particularly important to consider the timing of sex offender recidivism as time to reconviction is usually longer for sex offenders. Many researchers have indicated that a minimum of a five year follow up period is needed to accurately determine recidivism rates (Bynum et al. 2001).

The differences in reconviction rates and time to failure are further illustrated in Figure 1. The lines represent both the incidence and timing of reconviction among offender groups. As shown, there is little variation in time to failure among the groups. Approximately one quarter of offenders recidivated within two years, 50 percent within four years, and 75 percent by year six. Although the slope of the line for sex offenders is similar to the other groups, the spacing of lines further illustrates the low recidivism rate among this group.

Table 7. Reconviction Statistics by Offense Category, 1998

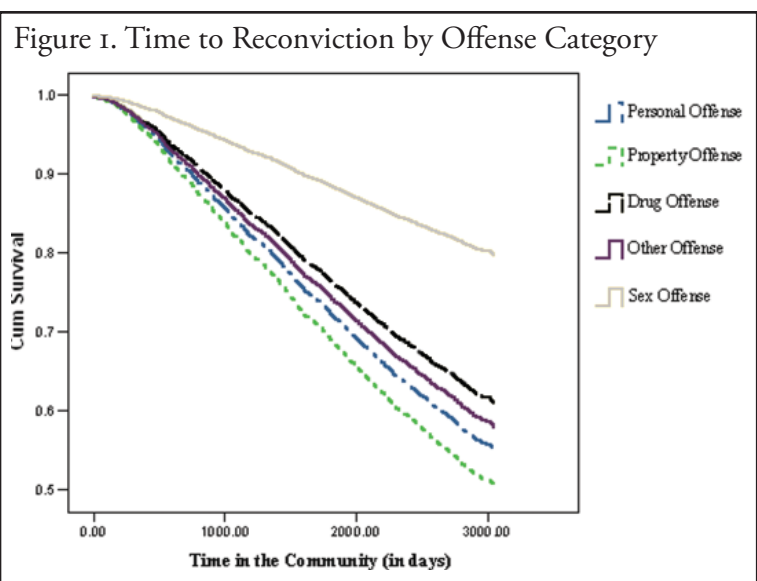
Offense Category	N	% recidivate	Average time to re-conviction (days)
Personal	776	42.3	1352
Property	1631	47.4	1430
Drug	825	37.5	1535
Other	611	40.4	1528
Sex	200	19.0	1495

among sex offenders is nearly two and a half times higher than that documented in official records (Marshall and Barbaree 1990). The limitations of official data have been validated in studies using polygraph examinations (Ahlmeyer et al. 2000). Further, the gap in reporting is higher for sexual crimes than other personal offenses. Approximately 57% of robberies and 55% of aggravated assaults were reported to the police; while 31% of sexual offenses were brought to the attention of the police (Hart & Rennison, 2003). Although the proportion of all crimes reported to the police have increased in the past decade, there is a disconnect between offender behavior and official criminal justice statistics.

In addition, recidivism rates often reflect the activity level of the police and other criminal justice actors. Police and parole agents can only respond to those offenses brought to their attention, and many rapes and sexual assaults are not reported. In fact, between 1992 and 2000, only 37 percent of rapes against women were reported to the police (Rennison 2002). Many victims are afraid to report sexual assault to the police for fear that the offender will victimize them further, that the arrest of an offender who is a family member will bring shame or hardship to the family, or that they will not be believed by the criminal justice system. Victims are most likely to

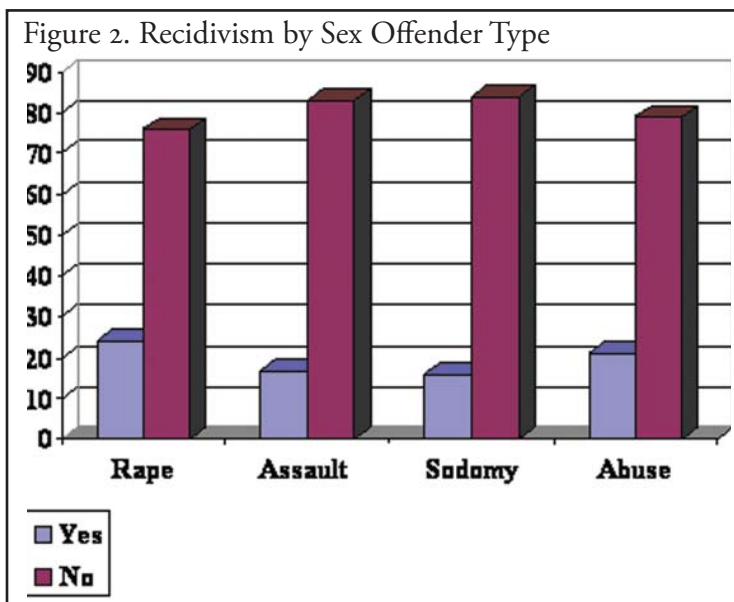
#### Recidivism Rates within Sex offense Categories

The reconviction outcomes were further considered for individuals imprisoned for rape, sexual assault, sodomy, and sexual abuse as recent research has suggested that recidivism outcomes vary by offender type. For example, Prentky and colleagues (1997) found that individuals who molest children are more likely to recidivate when compared with rapists, although this finding has been disputed (Quinsey,





Rice, and Harris 1995). Little variation in recidivism outcomes was observed for sex offender types in the current sample. Some of the invariance in recidivism rates may be due to the coding of Missouri statutes. Crimes against children were traditionally coded as sexual assault, although most institutional research has not observed differences in recidivism among offender groups. Although the rates of recidivism vary across offender groups, when these men do recidivate, they are more likely to commit the type of offense for which they were previously imprisoned. For sex offenders, however, a smaller percentage were convicted of another sex crime. Those convicted of committing “other” (e.g., traffic, DWI, non-support) types of offenses (59.9 percent) had the highest probability of being reconvicted for the same class of offense, followed by those in the drug offense category reconvicted for a drug offense (56.3 percent), and those in the property offense category reconvicted for property crime (46.3



percent). The results indicate that 31.6 percent of offenders who were convicted of a sex crime went on to commit sex offenses when they were released from prison. Interestingly enough, sex offenders were not the only group of offenders to be convicted of sex crime. As displayed in Figure 3, 3.4 percent of offenders who were convicted for committing a personal offense also went on to commit a sex offense, followed by those convicted of property offenses (1.6 percent), other crimes (1.2 percent), and drug crimes (1 percent).

These findings are consistent with that of the research literature and reinforce the importance of studying sex offenders separately from other offenders. Although sexual offenders, like other classes of offenders, commit a variety of crimes

with very little specialization (Gottfredson and Hirschi 1990; Broadhurst and Maller 1992), other types of offenders rarely commit sex offenses (Hanson, Steffy, and Gauthier 1993; Hanson, Scott, and Steffy 1995; Sample and Bray 2003). In fact, studies of offense specialization and escalation suggest that involvement in serious personal crime seldom leads to involvement in rape or sexual offenses (Blumstein et al. 1988; Sample and Bray 2003). Even when a relationship has been noted, the pattern of escalation to sex crimes is small (Britt 1996).

Logistic regression, presented in Table 8, was conducted to determine which independent variables were predictors of recidivism, measured in terms of reconviction for the total sample. Individual analyses were also conducted for the sex offender only sample; however, the small sample size precluded meaningful analyses. Future studies should consider recidivism outcomes from a multi-year cohort of sex offenders.

Consistent with prior recidivism research, young, black males were the most likely to recidivate. African American men were about 1.32 times more likely to be reconvicted following release from prison. Conversely, Hispanics were 61 percent less likely to have been reconvicted. Institutional risk assessments were also a valid assessment of post-release behavior. Men with higher salient factor scores were less likely to be reconvicted. This relationship is to be expected as high salient factor scores were developed to represent lower risk. Institutional factors were also important in determining recidivism. Men with higher institutional risk scores were more likely to be reconvicted, and serving longer prison terms was also positively associated with recidivism. The significant relationship between time imprisoned and recidivism is unique; however, there is some evidence of an association in past studies. Most existing studies have detailed the detrimental effect of long periods of imprisonment has on ties to employment and family (Lynch and Sabol 2001; Hariston 2002), further limiting opportunities for successful integration; however, there is some evidence that lengthy prison terms may deter individuals from future crime, particularly among men with little ties to society (DeJong 1997).

### Community Sentencing for Sex Offenders

Sex offenders serving community sentences present distinct challenges to probation departments. As a result, corrections systems at both the state and local level have developed special programs to effectively manage and treat sex offender probationers (Center for Sex Offender Management 2000).



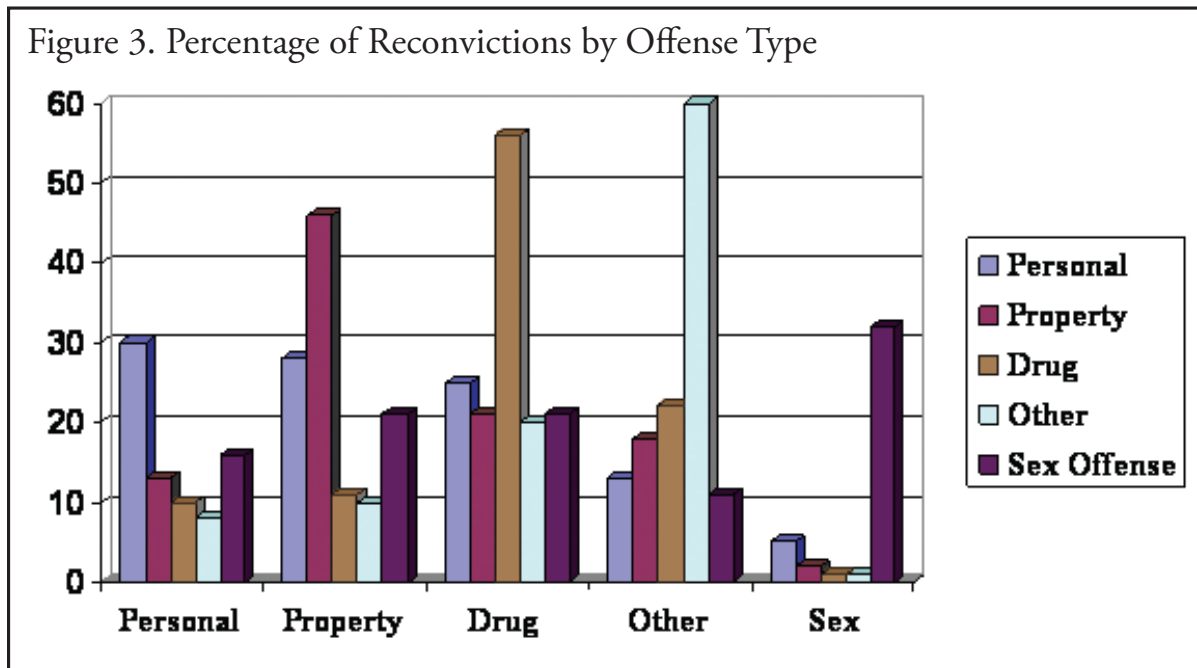


Table 8. Predictors of recidivism for all offenses, measured in terms of reconviction

<i>Demographic Characteristics</i>	<i>Coefficient</i>	<i>Standard Error</i>	<i>Odds</i>
Age	-0.03***	0.01	0.97
African American	0.28***	0.08	1.32
Hispanic/Latino	-0.93***	0.32	0.39
Education	0.01	0.03	1.01
Health Care needs	0.00	0.06	1.00
Employment needs	-0.03	0.04	0.97
Substance Abuse			
Mental Health	-0.04	0.08	0.96
<i>Criminal History</i>			
Public Risk Assessment	0.08	0.04	1.08
Salient Factor Score	-0.085***	0.016	0.92
Prior sex offense conviction	0.26	0.28	1.31
<i>Institutional behavior</i>			
Institutional risk	0.20***	0.04	1.22

Offender groups are statistically different at \*\*\* $p < .001$  (two-tailed test)



Departments commonly implement the containment approach towards community supervision, a practice that invokes interagency collaboration between treatment providers and law enforcement. An important feature of the containment approach is that each offender's case is viewed as unique; therefore, the specially trained probation staff shapes individualized case management plans for every offender under their supervision. Finally, three elements are employed by community correction officials to contain sex offenders: (1) sex offender specific treatment, (2) intensive supervision and monitoring, and (3) frequent professional assessments, including the polygraph to detect current deviant tendencies and behaviors.

In the following paragraphs, sex offender sentencing policies and programs are outlined in a number of states and local jurisdictions, which have been identified by the Center for Sex Offender Management (2001) as promising approaches to adjudicating alternative punishments.

### *Washington*

In the state of Washington, sentencing law allows the courts to adjudicate convicted sex offenders to a less punitive punishment option, known as the Special Sex Offender Sentencing Alternative (SSOSA). The SSOSA arose as a response to the state legislature's Sentencing Reform Act of 1981 which eradicated the courts ability to suspend prison sentences for all crimes. Though the 1981 reform was intended to increase the penalties of crime, professionals in the field of sex offender treatment insisted that the law would inadvertently reduce the number of sexual abuse victims who report their crimes to the police. According to their logic, many victims of sex crimes, who are commonly children, have a strong personal relationship with their perpetrator; consequently, they are often reluctant to report their victimization out of fear that the accused will be sentenced to prison (Washington State Department of Corrections 2001). The SSOSA was recommended by professionals and victim advocates as an optional sentencing policy specifically for low-risk offenders, a group typically comprised of individuals who primarily abuse persons within their immediate social circle, including family members.

In 1984 Washington became the first state to apply a sentencing alternative for sex offenders when the SSOSA was enacted into law by the state legislature (Washington Sentencing Guidelines Commission 2004). To be eligible to receive the SSOSA, the sentencing commission maintains that sex offenders must: (1) not be convicted of a serious violent offense with a sexual

motivation, or of rape in the first degree, attempted rape in the first degree or rape in the second degree, (2) be convicted of incest, communication with a minor for immoral purposes, or an offense with a finding of sexual motivation, (3) have no prior record of arrest for a sexual offense, (4) have a current offense and criminal record that permits the court to impose a sentence with a standard range of less than 11 years of imprisonment, (5) not be a stranger to the victim, (6) not have caused bodily harm to the victim, and 7) not have prior adult convictions for a violent offense, committed within five years of the current offense.

In addition, when considering whether sex offenders are eligible for the SSOSA Washington sentencing policy requires the court to determine if the defendant is amenable to treatment, and if the offender poses serious risk to the community. A professional examination is undertaken by court appointed officials to establish both of these criteria. From this process a report is produced detailing the offenders' criminal history, their current life circumstances, and any mental conditions they suffer from that are related to the alleged sex offense. Along with this pre-sentence report, if the defendant is sentenced to the SSOSA, examiners are asked to provide a sentencing plan specifying the specific issues to be addressed in the SSOSA treatment, as well as the type of treatment modalities offenders should participate in and plans for their individual monitoring.

The examiners' report guides the courts' decision on whether the community will benefit if the sex offender receives the SSOSA. When the SSOSA is exercised as an option, a sentence is first imposed within the standard range and then it is immediately suspended (Center for Sex Offender Management 2001). The court subsequently sentences sex offenders to a term of community supervision in which they are required to participate in either inpatient or outpatient treatment. During this time they are also forced to abide by a number of rigorous requirements that place restrictions on activities and circumstances within their daily routines, such as whom they associate with, the possession of pornography, and the use of intoxicating substances. Offenders are also required, if capable, to work a full time job. If the offender willfully violates the sentence conditions, the court may revoke the suspension and order either execution of the standard sentence, or alternatively, 60 days of confinement.

Since its inception a number of related policies have been amended to the SSOSA that specifically enhance the treatment and confinement requirements. For instance, in 1991 Washington



legislators passed a law that set forth standards of practice formalizing the eligibility reporting requirements and treatment guidelines within ssosa (Washington Sentencing Guidelines Commission 2004). This bill mandated that sex offender treatment and examinations under ssosa be conducted by Certified Sex Offender Treatment Providers (CSOTPs). In 2004 the state assembly passed an amendment stipulating that ssosa offenders are not eligible for earned release while confined.

A recent study conducted by the Washington State Department of Corrections reveals that sentencing pursuant to the ssosa is scarcely approved. In fact, in FY 2003, 207 sexual offenders received the ssosa, which is roughly one-third of those who were considered eligible based on the sentencing commission's criteria. In addition, a noticeable percentage of offenders adjudicated to the ssosa do not successfully complete the sentence. Officials noted in a 2001 report that between the years of 1998 and 2000 approximately 30 percent of ssosa offenders' sentences were revoked by correction officials. A sizeable majority of the revocations were the result of offenders violating the conditions of community supervision (Washington State Department of Corrections 2001).

Despite the revocation rate, evidence suggests however, that ssosa appears to be a successful program for the relatively small number of sex offenders who receive the sentence. Indeed, a 1995 study conducted by the Washington State Institute for Public Policy compared recidivism rates among sex offenders eligible for ssosa whom did not receive the sentence and ssosa-sentenced offenders. According to the study findings, those adjudicated to the ssosa sentencing option had a significantly lower rate of recidivism than the ssosa eligible group who was sentenced otherwise (see Washington State Department of Corrections 2001). Specifically, about 11 percent of offenders in the ssosa program recidivated compared to 14 percent of eligible non-ssosa offenders. Providing further evidence of the utility of ssosa, in a recent survey Washington state criminal justice officials reported that when implemented correctly, the ssosa program is an effective sentencing tool which benefits both the offender and the community.

### *Coles County, Illinois*

Illinois criminal law contains sentencing statutes that allow for certain classes of convicted sex offenders to be adjudicated to a sentence of only probation. Unlike

the criminal justice system in Washington, in Illinois no statewide sentencing option exists as the result of legislative action that specifically channels offenders into treatment oriented punishment programs. However, officials in certain Illinois jurisdictions have incorporated specialized programs including treatment and surveillance components into sex offenders' community-based probation sentences. The goals of community correction agents in implementing these changes were to reduce rates of recidivism within the population of sex offenders sentenced to probation, and to increase the amount and quality of professional treatment these offenders receive ( Illinois Criminal Justice Authority 1997).

The Illinois Criminal Sexual Assault Act (ICSA) defines five separate acts of criminal sexual assault and abuse, only some of which are eligible for probation (Center for Legal Studies 2002). Sexual assault is characterized by sexual penetration and it may result in a compulsory prison sentence. An act of sexual abuse involves sexual conduct, including fondling and touching, but not penetration. Probation sentences are more likely to be handed down for the crime of sexual abuse than they are for sexual assault. Individuals convicted of criminal sexual assault, who have not been convicted of a class 2 or greater felony in the previous 10 years may be eligible for a sentence of probation. Non-family perpetrators are commonly imprisoned. According to Illinois sentencing statutes, offenders who receive probation as a punishment are required to follow several specific conditions while they are under supervision. Specifically, they are to be removed from the household (if they reside with the victim), maintain minimal contact with the victim, pay restitution and participate in court approved counseling for at least two years (Center for Legal Studies 2002). Those convicted of criminal sexual abuse, a class 2 felony, may receive a sentence of either a jail term of one year or a two year term of probation. Sex offenders who are adjudicated to a sentence of probation, because of a charge of sexual abuse, are required to follow the same state mandated terms and conditions as those who are on probation due to a conviction of sexual assault.

During 1997 and 1998 several Illinois counties received funding from government agencies to execute Specialized Sex Offender Probation Programs (ssosp), which were tailored to manage the general population of sex offenders on probation in each county. While the programs had very similar means and objectives, they operated in different geographic contexts and were intended to work with



differing offender populations (i.e., juveniles, adults or both juveniles and adults).

In Coles County the Intensive Specialized Sex Offender Supervision Program (ISSOS), a derivative of the SSOSP framework, is designed to supervise all sex offenders sentenced to probation including juveniles and adults (Center for Legal Studies 2002). In total, 28 offenders were on probation for sex offenses during 1997, the first year of the ISSOS and this figure approached 40 in the first two years of the 2000's. The Coles ISSOS assigns a specialized sex offender caseload to one probation officer and designates another officer to perform specialized surveillance in order to provide expanded supervision of sex offenders in the community. The specialized caseload manager is responsible for coordinating the business operations of the ISSOS as well as maintaining constant direct contact with the offenders in the office and community. The caseload manager also schedules sex offenders' treatment sessions and organizes treatment related functions. The surveillance officers perform less of a managerial role and provide supervision to offenders when the caseload managers are not available.

Coles County ISSOS employs a three-stage supervision procedure for offenders including a provision for a reduction in supervision status as offenders display the ability to comply with the conditions of their probation. For example, in the first stage of the community sentence, offenders receive one home visit every week and they are to verify their place of residence and employment weekly as well. However, in contrast, during phase three offenders receive a home visit once every other month and they are required to report where they live and work only once a month. In addition to the conditions of supervision imposed by state sentencing law, under ISSOS, probationers are required to obey the following criteria throughout the duration of their sentence: (1) seek treatment through the Coles County Mental Health Center (CCMHC), (2) have no contact with any of victim of their crime, (3) avoid all contact with persons under the age of 17, unless they have court permission to do so, and (4) submit to any testing or assessment per the request of CCMHC. Offenders are also obligated to attend court process hearings which occur at regular intervals.

Corrections agency reports suggest that the number of sex offenders who receive the specialized sentencing option in Illinois counties is contingent on the availability of probation staff to manage them. In other words, if an officers' caseload is full, then the sentencing option simply is not available, even for those who are eligible (Illinois Criminal Justice Information

Authority 1997).

A study conducted in 2001 reports that the mean length of probation sentences in the Coles ISSOS is 39 months and the maximum sentence is 48 months (Center Legal Studies 2002). Supervisory officers can file a petition with the court to revoke an offender's probation and either sentence him to prison or adjust the conditions of his probation term as the result of violations of any of the conditions outlined by the ISSOS staff. A 2001 evaluation of the Coles County ISSOS indicated that few probation revocation petitions (less than 6) were filed by the prosecutor at the request of the ISSOS manager. Information is currently unavailable with regard to recidivism outcomes for those who complete sentences on specialized probation in Coles County. However, a recent study indicates that in Winnebago County, offenders deemed as high risk to recidivate, who were serving a probation sentence analogous to Coles County ISSOS, were significantly less likely to re-offend than those not on specialized probation (Illinois Criminal Justice Information Authority 2003).

#### *Maricopa County, Arizona*

Similar to several counties in Illinois, Maricopa County Arizona has also created a Specialized Sex Offender Supervision Program (SSOSP) to manage sex offenders on probation (Center for Sex Offender Management 2001). Two events inspired the organization of this program in Maricopa County. First, a law passed by the Arizona State Legislature in 1985 permitted sentences of lifetime probation for sex offenders who have committed either a felony or misdemeanor sex crime. Second, in 1991 the state government designated 15 conditions that sex offenders on probation must adhere to. These dictate, for instance, the age range of their associates, the places they frequent, and computer usage (Hepburn and Griffin 2004).

Offenders are initially assessed prior to being placed on probation in order to gauge their level of risk to the community, hence the intensity of supervision they require. Each probationer is administered a polygraph that inquires about their sexual history, which allows officials to learn the scope of their deviant sexual orientations. In addition, offenders are also administered the Abel Screen II, and the Rapid Risk Assessment for Sex Offender Recidivism (RRASOR) including other risk assessment instruments. All combined, this information is reported as a baseline, or the starting position with which subsequent examinations can be referenced to. Along with the evaluation process offenders are obligated to attend a 35 hour course on sexual deviance and sexual behavior. The goal of this course



is to familiarize probationers with the sexual offense cycle, and make them understand the harm they have done to their victims.

When the evaluation is complete each offender is assigned specific conditions that he must abide by while serving their sentence. Once on probation, offenders regularly attend counseling sessions, both individually and with a group; they also periodically take polygraph exams so officials can assess whether they are committing additional sex crimes. Probationers also must participate in other treatment oriented activities. In addition, Maricopa County ssosp also incorporates a family reunification component within their approach (Center for Sex Offender Management 2001). The purpose of this component is to facilitate strong ties between offenders' and their intimate partners as well as other family members with the ultimate goal of marshalling social support and social control for offenders. Reunification is not easily accomplished, it is a gradual process guided closely by probation staff.

To monitor offenders on probation, Maricopa County employs three Specialized Supervision Units (ssu) consisting of 23 specialized probation and 19 surveillance officers. The role of probation officers is to supervise sex offenders' progress in complying with the requirements of probation. Surveillance officers play an important role, in which they are trained to assist probation officers with general duties. In addition to the assistance they provide to probation officers, they conduct random field visits which may occur at any hour of the day seven days a week. When violations of probation are detected, correction officers generally increase offenders' level of supervision (Center for Sex Offender Management 2001). In certain cases the offenders' probation sentence is revoked and he or she may receive a sentence of imprisonment. It is important to note that probation staff in Maricopa County routinely collaborate with the courts and other social services and criminal justice agencies. Through this multi-agency network, probation officers are better equipped to confront specific challenges that may arise in certain cases.

A recent longitudinal empirical study conducted by Hepburn and Griffin (2004) concerning the Maricopa County program reports that less than one-third of 419 sex offender probationers in the ssosp experienced a sentence revocation as the result of new criminal charges. Furthermore, authors of the study indicate that only nine

probationers committed another sex offense while under supervision. The majority of these nine failed in the months following the first year of their sentence.

## Summary & Conclusion

As shown, sex offenders are distinctly different than other offender classifications. Sex offenders are the most likely to be reconvicted of a sexual offense, and other offenders are unlikely to commit a sexual offense. The preceding analyses provides a general description of individuals released to the community; however, multi-year cohort analyses are needed to further understand the unique recidivism patterns of sex offenders.

The state of Washington, as well as county jurisdictions in Illinois and Arizona have put into practice punishment policies, designed specifically for sex offenders, which have been regarded as effective alternative methods to punitively control those convicted of sex crimes. Washington sentencing statutes dictate statewide uniformity in the sentencing in addition to the use of intermediate community-based punishments for sex offenders. However, legislative bodies in Arizona and Illinois have not established similar statewide mandates; nonetheless, individual counties within each state maintain punishment policies mirroring those employed at a larger level in Washington. According to the literature, offenders who receive such sentences "differ in important ways from those sentenced to prison" (Hepburn and Griffin 2004:8). Indeed, they are commonly deemed as low-risk to the community and considered to have a moderate likelihood of committing another sex crime.

Sentencing laws in all three states, with respect to sex crimes, allows the courts the option to adjudicate low-risk sex offenders (i.e., those who preyed upon intra-familial victims, who have established relationship with victim, who have exacted no bodily harm to the victim, etc.) to punishments other than only a period of incarceration. Commonly, offenders are given a sentence of probation. Correction officials in certain counties in Arizona and Illinois have devised specialized programs, much like Washington's model, to control sex offenders who are serving sentences in the community. Correctional agencies in each of these locations utilize specially trained teams of officers to manage these offenders. In order to maintain public safety and to facilitate sex offenders' rehabilitation, these teams employ methods of intensive monitoring, a steady regiment of treatment and frequent risk assessment.



Empirical evidence suggests that, using recidivism rates and sentence revocations as a gauge, the correctional practices utilized in the locations described above are effective alternative method to punitively control low-risk sex offenders. Therefore, given the evidence, it is advisable for states and local jurisdictions intent on devising alternative methods of sentencing and punishing specific groups of sex offenders to employ the policies utilized by the state of Washington. Indeed, counties in Arizona and Illinois have followed Washington's model and they have achieved a notable level of success in terms of program effectiveness.

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