Understanding the Diversity of Sex Offenders: Implications for Informed Public Policy

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Honolulu, Hawaiʻi
Top 10 Policy Issues:
2007 Forecast for State Legislatures

1. Immigration
2. Real ID Act for Homeland security
3. Budget pressures
4. Health insurance
5. Sex offenders and predators
6. Energy and environment
7. Minimum wage
8. Higher education reform
9. Privacy
10. Obesity

(National Conference of State Legislatures, 2007)
### National Trends in Sex Offender Management

<table>
<thead>
<tr>
<th>Category</th>
<th>Trend</th>
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<tbody>
<tr>
<td>Arrests for sex offenses (state level)</td>
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<tr>
<td>Arrests/prosecutions for sex crimes (Federal level)</td>
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<tr>
<td>Sex offenders incarcerated in state and Federal prisons</td>
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<tr>
<td>Sex offenders placed on public registries</td>
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<tr>
<td>Sex offenders requiring monitoring and/or supervision by law enforcement and/or probation/parole officials</td>
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<tr>
<td>Sex offender-specific legislation introduced and enacted</td>
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Percentage of Arrests Nationwide Attributed to Sex Offenses*

*Forcible rape, other sex offenses (including hands-on and hands-off offenses)

(Federal Bureau of Investigation, 2007)
Percentage of Federal Prosecutions Attributed to Child Sex Exploitation Offenses*

*Child pornography, transportation for illegal sexual activity, sex abuse

(Bureau of Justice Statistics, 2007)
Sexual Victimization of Children and Adolescents: Victim-Offender Relationship by Victim Age

(NIBRS data from Snyder & Sickmund, 2006)
Identified Perpetrators of Substantiated Child Sexual Abuse Cases

(USDHHS, 2005; Snyder & Sickmund, 2006)
Location Where Sex Offenses Occurred: Victims Under 18 Years of Age

(NIBRS data from Snyder & Sickmund, 2006)
Rape: Victim-Offender Relationship

- Non-strangers: 83%
- Strangers: 17%

Offenses Against Women

(Tjaden & Thoennes, 2006)
Locations of Rapes/Sexual Assaults

- Victim's home
- Near home
- Home of friend, relative
- Commercial establishment
- Parking lot, garage
- School property
- Park, field, playground
- Other, street
- Public transportation
- Other
Unique Challenges of Sex Offender Management

- Under-reporting, under-detection
- Heightened attention, scrutiny
- Widespread myths, misinformation
- Negative public sentiment
- Exacerbated housing and employment challenges
- Proliferation of sex offender-specific policies
Cautions About Homogeneous Labels

• “Sex offender” term suggests homogeneity
• Research demonstrates heterogeneity
• Variations have important implications for management strategies
Significant Variations

• Range, types of offense behaviors
• Victims targeted
• Motivations, driving influences
• Undetected offenses
• Prior criminal history
• Presence/absence of specific risk factors
• Amenability, response to intervention
• Recidivism risk, short- and long-term
Suggested Differences Between Juvenile and Adult Sex Offenders

- Fluidity vs. “fixed” patterns of sexual interests
- Impulsive, opportunistic offenses
- Social competency deficits
- Influence of family, environment
- Amenability to treatment
- Recidivism rates
Evidence of Under-Detection

N = 223 inmates

(Heil, Ahlmeyer, & Simons, 2003)
Observed Recidivism Rates Over Time: Adult Sex Offenders as a Homogenous Group

(Harris & Hanson, 2004)
Observed Recidivism Rates Over Time: Adult Sex Offenders By Subgroup

(N = 4,724) (Harris & Hanson, 2004)
Recidivism Rates: Previous Conviction vs. No Previous Conviction

N = 4,724

(Harris & Hanson, 2004)
Recidivism Rates: Over 50 at Release vs. Under 50 at Release

N = 4,724

(Harris & Hanson, 2004)
Internet Offenders vs. Contact Offenders

- Surge in arrests, prosecutions, prison sentences at the Federal level
- Questions about similarities/differences
- Very limited research, unanswered questions
  - Prior “contact” or other internet offenses?
  - Recidivism with “contact” or other additional internet offenses?
  - Risk assessment?
  - Effective interventions?
## Key Study: Prior Histories of Child Pornography Offenders

<table>
<thead>
<tr>
<th>Prior Offense</th>
<th>Percentage of Sample</th>
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</thead>
<tbody>
<tr>
<td>Prior child pornography offenses</td>
<td>15%</td>
</tr>
<tr>
<td>Prior non-contact sex offenses</td>
<td>17%</td>
</tr>
<tr>
<td>Prior contact sex offenses</td>
<td>24%</td>
</tr>
<tr>
<td>Prior criminal history of any type</td>
<td>56%</td>
</tr>
</tbody>
</table>

N= 201  
(Seto & Eke, 2005)
Key Study: Recidivism of Child Pornography Offenders

<table>
<thead>
<tr>
<th>Offense</th>
<th>Percentage of Sample</th>
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<tbody>
<tr>
<td>Child pornography offense</td>
<td>6%</td>
</tr>
<tr>
<td>Contact sex offense</td>
<td>4%</td>
</tr>
<tr>
<td>Violent offense (inclusive of sex offenses)</td>
<td>6%</td>
</tr>
</tbody>
</table>

N= 201  
29 mos. avg time at risk  
(Seto & Eke, 2005)
Summary: Recidivism Findings for Sex Offenders

- View through under-reporting, under-detection lens
- Detected sexual recidivism rates relatively low
  - More likely to be non-sexual
  - Sex offenders less likely than non-sex offenders to recidivate
- Rates differ by subgroups
- Rates differ by study design
  - Sample selection (e.g., probationers, prison releases, interventions provided or not)
  - Measure of recidivism
  - Follow-up period
Implications of Heterogeneity

• Policy development
• Sentencing, placement
• Treatment interventions
• Supervision, monitoring strategies
• Release decisionmaking
• Registration, notification
Managing Sex Offenders: Core Components and Legislative Trends

Dr. Kurt Bumby
Center for Effective Public Policy
Center for Sex Offender Management

December 8, 2008
Honolulu, Hawai’i
Common Sex Offender Management Strategies

• Incarceration
• Probation/parole supervision
• Electronic monitoring/GPS
• Sex offender-specific treatment
• Other risk-reducing or adjunctive programs
• Civil commitment
• Residency restrictions
• Registration, notification
Incapacitation, Retribution, and Deterrence via Prison Sentencing

Minimum Mandatory Sentences
Sentencing Philosophies Relative to Incarceration

- **Collective**
  - Offense-based
  - Determinate sentences, mandatory minimums
- **Selective**
  - Risk-based
  - Proportional, indeterminate sentences
Impact of Longer vs. Shorter Periods of Incarceration*

High Risk and Low Risk Offenders**

- Increased recidivism
- No impact
- Decreased recidivism

* Approximately 2.5 yrs vs. 1 yr time served
** 100,000+ offenders (not specific to sex offenders)

(Smith, Goggin, & Gendreau, 2002)
Impact of Incremental Increases in Length of Incarceration

Increased recidivism

No impact

Decreased recidivism

N = approx. 96,000 offenders compared, not specific to sex offenders

(Smith, Goggin, & Gendreau, 2002)
Sex Offenders’ Arrest Rates for New Sex Offenses within 3 Years Post-Release from Incarceration (by Time Served)

n = approximately 7,000 sex offenders, first release

(Langan, Schmitt, & Durose, 2003)
Deterrence and Retributive Strategies
Risk-Reducing, Rehabilitative Strategies
Risk Management Strategies
<table>
<thead>
<tr>
<th>Correctional Strategy</th>
<th>Recidivism Impact</th>
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<tbody>
<tr>
<td>Incrementally Longer Sentences</td>
<td>![Up Arrow]</td>
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<tr>
<td>Incarceration vs. Probation</td>
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<tr>
<td>Intensive Supervision</td>
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<td>Drug Testing</td>
<td>![X]</td>
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<td>Electronic Monitoring</td>
<td>![Diamond]</td>
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<td>Boot Camps</td>
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<td>Shock Incarceration</td>
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<tr>
<td>Scared Straight</td>
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(see Aos et al., 2001, 2006; MacKenzie, 2006; Smith et al., 2002)
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<thead>
<tr>
<th>Correctional Programs and Services</th>
<th>Recidivism Impact</th>
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<tr>
<td>Cognitive skills interventions</td>
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<tr>
<td>Intensive prison-based substance abuse treatment, community-based drug treatment</td>
<td>![Down arrow]</td>
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<tr>
<td>Educational/cognitive-behavioral domestic violence programs</td>
<td>![Cross]</td>
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<tr>
<td>Cognitive-behavioral sex offender treatment (prison-based, community-based)</td>
<td>![Down arrow]</td>
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<tr>
<td>Adult basic education (prison-based)</td>
<td>![Down arrow]</td>
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<tr>
<td>Vocational education (prison-based)</td>
<td>![Down arrow]</td>
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<tr>
<td>Correctional industries</td>
<td>![Down arrow]</td>
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<tr>
<td>Work release</td>
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<tr>
<td>Community-based employment training and job assistance</td>
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(see Andrews & Bonta, 2006; Aos et al., 2006; MacKenzie, 2006)
<table>
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<th>Supervision Strategy</th>
<th>Recidivism Impact</th>
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<tr>
<td>Surveillance-Oriented</td>
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<tr>
<td>Surveillance- and Rehabilitation-Oriented</td>
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(see Andrews & Bonta, 2006; Aos et al., 2006; MacKenzie, 2006)
Maximizing Public Safety Outcomes Through Evidence-Based Principles for Correctional Interventions
Core Evidence-Based Principles for Correctional Interventions

• Risk (who we target)
  – Use research-supported tools to assess risk
  – Prioritize interventions/strategies for higher risk offenders

• Need (what we target)
  – Use research-supported tools to identify the factors that are linked to crime and recidivism (criminogenic needs)
  – Focus interventions/strategies primarily on criminogenic needs

(see Andrews & Bonta, 2006)
Recidivism Impact as a Function of Adherence to Core Evidence-Based Principles for Correctional Interventions

- Decreased recidivism
- No impact
- Increased recidivism

*meta-analysis of over 500 studies (Pearson et al., 1996)
Prison Misconduct Rates as a Function of Targeting Multiple Criminogenic Needs (Density)

* Meta-analyses including over 13,000 offenders

(French & Gendreau, 2003)
Adherence to Risk-Need Conditions* in Supervision Practices: Impact on Recidivism

*Risk-Need Conditions
More intensive supervision for higher risk offenders
Longer supervision periods for higher risk offenders
More program referrals for higher risk offenders
More criminogenic than non-criminogenic needs targeted

(Lowenkamp, Pealer, Smith, & Latessa, 2006)
Halfway Houses to Promote Public Safety Through Effective Reentry: Outcomes as a Function of Offender Risk*

Approx. 3,500 offenders placed in halfway houses, compared to 3,500 not placed in a halfway house

(Lowenkamp & Latessa, 2005b)
Halfway Houses to Promote Public Safety Through Effective Reentry: Outcomes as a Function of Number of Services Targeting Criminogenic Needs (Density)*

* Approx. 3,500 offenders placed in halfway houses compared to 3,500 offenders not placed in a halfway house

(Lowenkamp & Latessa, 2005b)
Differentiating Higher Risk from Lower Risk Sex Offenders
Differentiating Higher Risk from Lower Risk Sex Offenders

• Research-identified static (unchangeable) risk factors
  – Longer-term recidivism risk
• Research-identified dynamic (changeable) risk factors
  – Shorter-term recidivism risk
• Empirically-validated, sex offender-specific tools
Key Examples of Static Risk Factors Associated with Recidivism Among Sex Offenders

- Prior sex offenses
- Prior non-sex offenses
- Prior non-contact sex offenses
- Unrelated victims
- Stranger victims
- Male victims

(Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005)
Key Examples of Dynamic Risk Factors Associated with Recidivism Among Sex Offenders

- Victim access
- Deviant sexual interests
- Attitudes supportive of offending
- Intimacy deficits, conflicts in intimate relationships
- Impulsivity
- Substance abuse
- Supervision non-compliance
- Collapse of social supports
  - Family
  - Residence
  - Work

(Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005)
Assessing Static Risk and Dynamic Risk (Criminogenic Needs): Examples of Sex Offender-Specific Tools

- STATIC-99, STATIC-2000
- Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)
- Minnesota Sex Offender Screening Tool – Revised (MnSOST-R)
- Sex Offender Treatment Needs and Progress Scale
Predictive Accuracy of Risk Assessment Strategies with Sex Offenders

(Hanson & Morton-Bourgon, 2007)
Sex Offender Treatment
Key Treatment Targets

- Sexual deviance variables
- Antisocial orientation
- Intimacy deficits
- Pro-offending attitudes and schemas

(see, e.g., Hanson & Morton-Bourgon, 2007)
Important Treatment Considerations

• Is the program based on a research-supported model?
• Are treatment targets supported by research?
• Is treatment individualized and assessment-driven?
• Are providers specially trained?
• Are approaches tailored for special populations?
• Are community-based and institutional programs parallel and linked?
• Are within-treatment changes and long-term outcomes measured?
Treatment Approaches for Sex Offenders: Impact on Recidivism

(Aos et al., 2006)
Sex Offender Treatment Effects: Sexual and General Recidivism (2002 Meta-Analysis)

*average follow-up 46 months, broadly defined recidivism

(Hanson et al., 2002)
Sex Offender Treatment Effects: Sexual and Violent Recidivism (2005 Meta-Analysis)

*average follow-up 5 years, broadly defined recidivism

(Losel & Schmucker, 2005)
Applying the Core Principles of Correctional Intervention to Sex Offender Treatment

• Meta-analysis of treatment impact on sex offender recidivism
  – Specific focus on program adherence to core evidence-based correctional principles
• Better outcomes for sex offender treatment programs with adherence

(Hanson, 2006)
Intensive Sex Offender Treatment: Sexual Recidivism Rate Comparisons by Risk Level*

*Average 8 yr follow-up, over 700 offenders, random assignment

(Marques et al., 2005)
Costs-Benefits Analyses of Sex Offender Treatment

• Research demonstrates that investing in sex offender treatment yields positive dividends
  – Tangible and intangible costs
    • Victims, families, communities
    • Court processing
    • Correctional management
    • Taxpayers
  – Tangible and intangible benefits

(see Aos et al., 2001; Cohen & Miller, 1998; Donato & Shanahan, 2001; Shanahan & Donato, 2001)
Meta-Analysis of Treatment Outcomes for Juvenile Sex Offenders

(Reitzel & Carbonell, 2006)
Specialization for Community Supervision of Sex Offenders: Common Trends

• Specialized officers/caseloads
• Specialized conditions
• Specialized technology
Blended Community Supervision Philosophies and Functions

Surveillance, monitoring, enforcement

Social casework
Impact of Supervision Approach with General Offenders: Surveillance-Oriented vs. Blended/Rehabilitation-Oriented

(Aos et al., 2006)

Decreased recidivism  Increased recidivism  No impact

(Aos et al., 2006)
Recidivism of Sex Offenders: Supervision Alone vs. Supervision with Treatment

(McGrath, Hoke, & Vojtisek, 1998)
Newest Legislative Wave
Electronic Monitoring/GPS

• Primary objectives
  – Deter
  – Enhance accountability and monitoring
  – Increase preventative intervention potential

• Active vs. Passive
Examining Impact on Deterrence: General Offenders’ Reports

Prevented me from engaging in crime while under EM

Will prevent me from engaging in crime in the future when not under EM

(Adapted from Bonta, Wallace-Capretta, & Rooney, 1999, 2000)
Examining Impact on Deterrence (General Offenders): Supervision Officers’ Perceptions

Prevented offenders from engaging in criminal behavior while under EM

Will prevent offenders from engaging in future criminal behavior when not under EM

(Adapted from Bonta, Wallace-Capretta, & Rooney, 1999, 2000)
Meta-Analyses of Impact of Electronic Monitoring (General Offenders)

(Adapted from Aos, Phipps, Barnoski, & Lieb, 2006; Renzema & Mayo-Wilson, 2005)
Recent Efforts to Examine Impact of GPS: Officers Supervising Sex Offenders in Tennessee

• Reported benefits of GPS with sex offenders
  – Information-gathering tool
  – Accountability and monitoring strategy
  – Deterrence method

• Reported “costs”
  – Strain on agency and staff resources
  – Increased workload, continuous “on call” requirements
  – Excessive monitoring for some levels of sex offenders

(Tennessee Board of Probation and Parole, 2007)
Recent Efforts to Examine Effectiveness of GPS: Sex Offenders in Tennessee

- No significant differences between GPS and control groups on:
  - Number of violations
  - Number of days until first violation
  - New charges

(Tennessee Board of Probation & Parole, 2007)
Recent Efforts to Examine Effectiveness of Electronic Monitoring: Sex Offenders in Florida

• Serious sex offenders placed on home confinement with electronic monitoring
  – Less likely to be revoked for new offense
  – Less likely to be revoked for absconding
  – Non-significant effect for revocation for technical violations

• Compared to other offender groups, sex offenders were least likely to be revoked for any reason

(Padgett, Bales, & Blomberg, 2006)
Residency Restrictions: Stated and Implicit Goals

- Deterrence
- Public protection via eliminating “physical proximity” risk factors
  - Two primary forms
    - Outright residency bans
    - Prohibited entrance into zones
Cumulative Enactment of Residency Restrictions Nationwide

Source: Council of State Governments, 2008
Review of Findings: Residency Restrictions

• Limited research on impact, effectiveness
  – Questionable deterrence effect
  – Unintended, unanticipated collateral consequences

• Additional questions raised
  – Impact on law enforcement and supervision agencies
  – Costs vs. benefits
  – Empirical rationale based on known victimization trends
Timeline of Key Federal Legislation
(Primarily Registration and Notification)

1994
Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act

1996
Pam Lychner Sex Offender Tracking and Identification Act

1998
Jacob Wetterling Improvements Act

2000
Campus Sex Crimes Prevention Act

2006
Adam Walsh Child Protection and Safety Act
Registration and Notification: Stated Goals

• Increase public protection through ensuring that citizens can obtain local offender information
• Provide law enforcement with an additional investigative tool
• Deter sex offenders from committing future sex crimes
• Deter others from committing sex crimes
Sexual Recidivism Rates Pre- and Post- Implementation of Statutes: Iowa and Washington State

(Adapted from Adkins, Huff, & Stageberg, 2000; Barnoski, 2005; Schram & Milloy, 1995)
Review of Findings: Registration and Notification

- Limited scope of inquiry
  - Evidence limited, mixed, inconclusive

- Additional questions
  - Unanticipated, unintended collateral consequences
  - Costs vs. benefits
  - Risk-based vs. offense-based outcomes
  - Impact on juveniles
Summary: Evidence-Based Lessons from Correctional Research

• Longer sentences, punishment-driven strategies unlikely to reduce recidivism

• Strategies pairing surveillance/monitoring with rehabilitative services have better outcomes

• Prison-based and community-based cognitive interventions (including sex offender treatment) reduce recidivism
  – Costs-benefits analyses generally support investment

• Targeting higher risk offenders for more intensive interventions yields better outcomes

• Empirically-validated risk assessments provide best estimates of risk
Summary: Decisionmaking Regarding Sex Offender Management Policies and Practices

• Clarify state’s most important interests/goals
  – Retribution/punishment?
  – Maximize public safety via incapacitation, deterrence, risk-reduction/rehabilitation?

• Appreciate the potential for correctional research to be instructive regarding how to best address these interests/goals
  – Some strategies “work,” and some strategies do not work
  – For others, effectiveness is unclear/unknown

• Ensure that stakeholders (e.g., policymakers, constituents) are informed consumers
  – Accurate information about sexual victimization
  – Diverse nature of the sex offender population
  – Range of investment options and expected returns/dividends
Summary

- Sex offenders are a diverse population
  - Recidivism rates are relatively low, but vary considerably
  - Under-reporting and under-detection must be recognized
- Risk can be differentiated reliably using validated, sex offender-specific risk assessment tools
- Some criminal justice/correctional strategies seem to “work,” some do not, and the impact of others is unknown
- Decision-making informed by risk and needs maximizes outcomes and resources
Contact Information

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