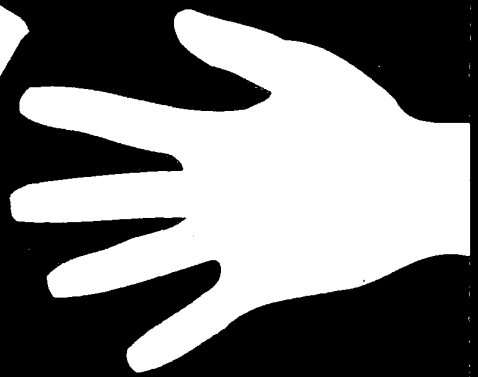


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A Summary of Recent Findings

*from the
Community
Protection
Research Project*



This newsletter summarizes recent findings from the Community Protection Research Project in the following areas:

- Sentencing Options and Costs
- Recidivism Among Sex Offenders
- Treatment for Sex Offenders
- Registration and Community Notification
- Civil Commitment
- Prevalence of Sexual Abuse
- Services for Victims

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In 1990 the Washington State Legislature passed one of the country's most comprehensive reforms addressing community protection from sex offenses. Washington's Community Protection Act has received attention from other states and jurisdictions, with frequent inquiries about how the law is working in practice.

The legislature directed the Washington State Institute for Public Policy to evaluate the effectiveness of offender and victim programs initiated by the Act. Reports on specific topics discussed in this newsletter are available from the Institute.

**Washington State
Institute for
Public Policy**

February 1994

156450

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Washington's Sentencing System For Sex Offenders

From 1949 until the 1980s, Washington was one of several states with a sexual psychopathy statute. Under this statute, some sex offenders were treated in a special program located at Western State Hospital and released when they were judged to be safe. Other sex offenders were either put on probation or sent to prison with a broad sentence range. A state parole board determined when prisoners were safe for release.

In 1984 the state enacted a major sentencing reform for adult felons, eliminating its reliance on the indeterminate sentencing system. In its place, a sentencing guidelines system was enacted, under which the legislature sets the penalties and judges select sentences from within narrow ranges. (Deviations from the guidelines are allowed, but these exceptional sentences can be appealed.) The only adjustment to a determinate sentence is credit for "good behavior," which can reduce the sentence by 15 or 33 percent, depending on the crime.

In 1986 the sex offender treatment program at Western State Hospital began its phaseout. Legislators were concerned about escapes from the hospital and the commission of serious new crimes by some program graduates. In its place, a treatment program for sex offenders was created inside a prison. This program is located at the Twin Rivers Corrections Center and houses 200 offenders. To be eligible, offenders must volunteer for this program, admit their guilt, have an IQ of 80 or above, and have at least one year remaining in prison. Treatment in the program lasts from one to four years. Sex offenders are supervised by the Department of Corrections for two years after their release from the treatment program, or after their release from prison.

Sentencing Options

Treatment Sentences: Adult Sex Offenders

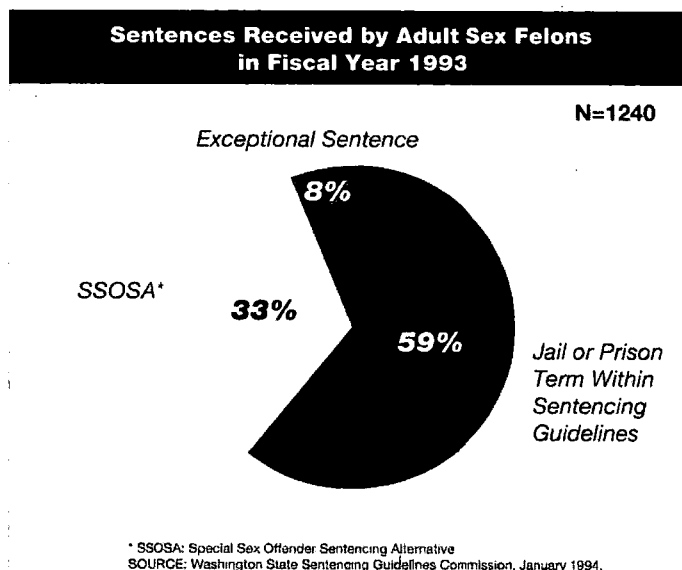
As part of the sentencing guidelines, judges can select certain sex offenders for a suspended treatment sentence in the community if they meet the following conditions: have no prior convictions, are not convicted of a violent rape, and are amenable to treatment. This sentencing option, called the **Special Sex Offender Sentencing Alternative (SSOSA)**, can include up to 6 months of confinement and three years of treatment with a private provider, with supervision by the Department of Corrections. The judge can revoke a SSOSA sentence when an offender does not make adequate progress in treatment, or is viewed as a risk to public safety; the offender is then sent to prison.

Treatment Sentences: Juvenile Sex Offenders

A similar sentencing option exists for juvenile sex offenders, called the **Special Sex Offender Disposition Alternative (SSODA)**. The major difference between SSODA and SSOSA is that the state pays for the treatment of juveniles, while adults pay for their own treatment.

How Many Sex Offenders Received SSOSA Sentences in FY 1993?

1,240 adults were sentenced for felony sex offenses between July 1, 1992, and June 30, 1993. The following chart shows the breakdown of sentences:



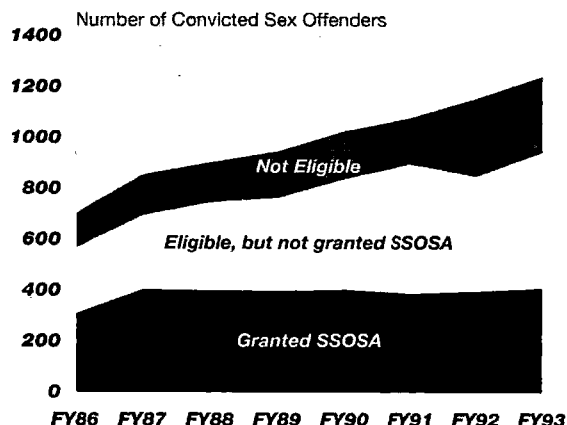
Washington State Institute for Public Policy, 1994

The number of adult sex offenders who have been granted the Special Sex Offender Sentencing Alternative (SSOSA) has remained consistent since FY 1987, even though the number of those eligible, but not granted SSOSA, has risen.

For Fiscal Year 1993 (July 1, 1992, through June 30, 1993):

- 33 percent (408 offenders) were *granted* SSOSA
- 43 percent (533 offenders) were eligible, but *not granted* SSOSA
- 24 percent (299 offenders) were *not eligible*

The Number of SSOSA Sentences Has Stabilized, Even With Rising Convictions



SOURCE: Washington State Sentencing Guidelines Commission, January 1994.

Washington State Institute for Public Policy, 1994

Sentence Costs For Sex Offenders: Who Pays?

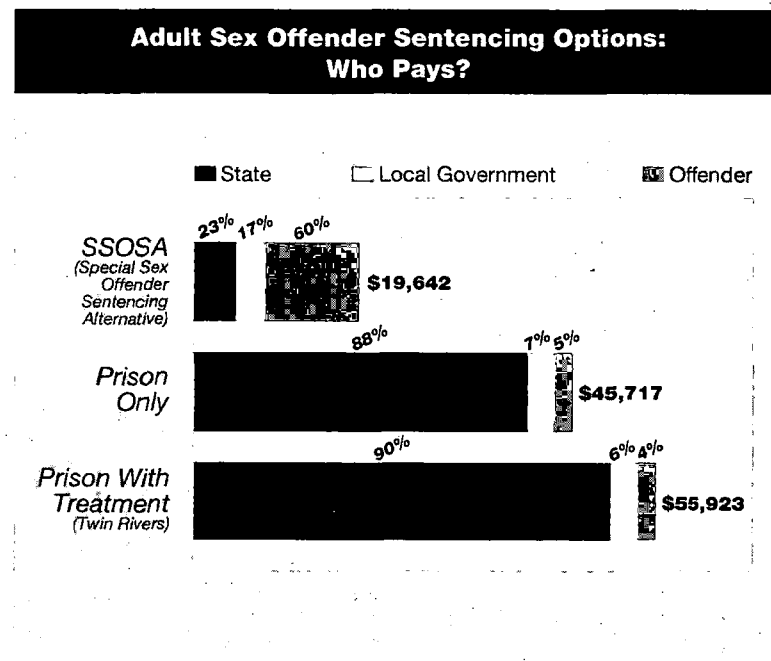
From: *Washington State Sex
Offenders: Costs of Sentencing
Options*

The costs of three sentencing options for adult sex offenders in Washington State are compared in the chart below. Costs are calculated for: a) sex offenders who *receive SSOSA*, b) sex offenders who *are sentenced to prison*, and c) sex offenders who *receive treatment in prison* (at the Twin Rivers Corrections Center in Monroe, Washington). The chart calculates costs based on a typical SSOSA sentence compared with the costs of a similar offender sent to prison (median sentence length of 27 months). The costs cover the entire sentence, and are **not a per-year cost**.

Costs are separated into those paid by the state, local government, and the offender, using 1992 data. State costs include prison and supervision, with local costs covering court hearings and jail stay. The offender's costs include treatment paid to private therapists, as well as legal financial obligations (restitution to victims and court costs).

SSOSA is the least expensive of the three sentencing options (60 percent of the cost is paid by the offender). However, if offenders have their SSOSA sentences revoked and are sent to prison, their total sentence cost *exceeds* that of a typical prison sentence. Research indicates that 17 percent of those granted SSOSA have their sentence revoked.

Currently, 10 percent of the sex offenders in state prisons receive sex offender treatment at Twin Rivers. The cost of providing this treatment increases the state's cost by \$10,206 over the duration of a typical sentence.



Washington State Institute for Public Policy, 1993

All offenders, except those sentenced to life terms without parole, will return to the community when their sentences are served. Convicted offenders may reoffend after they return to the community; this reoffense behavior is known as recidivism. The percentage of offenders who reoffend during a given time period is the "recidivism rate."

Adult Sex Offenders: How Often Do They Reoffend?

From: *Recidivism Patterns of Adult Male Sex Offenders in Washington State*

The Institute recently studied the recidivism patterns of adult male sex offenders who were convicted between 1985 and 1991 in Washington State, and who were released by the end of 1991. Recidivism was defined as a re-arrest for a felony offense. Three types of re-arrests were examined:

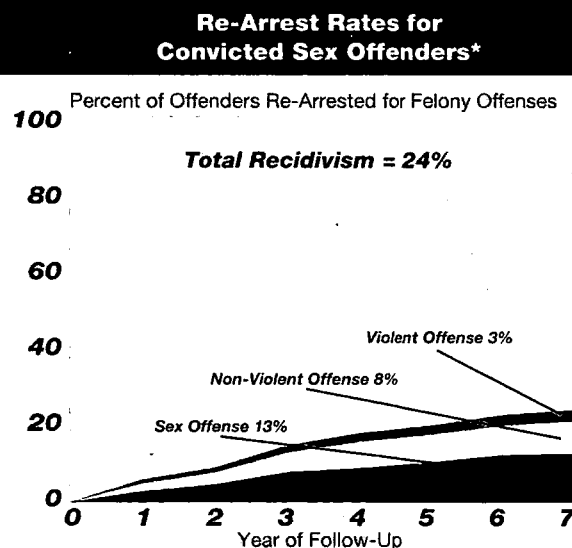
- Re-arrest for *sex* offenses
- Re-arrest for *violent* offenses
- Re-arrest for *non-violent* offenses

(Note: Violent and non-violent offense categories **do not** include sex offenses.)

The offenders in this study lived in the community for various lengths of time; thus, their follow-up periods were different. To adjust for these differences, recidivism rates were estimated based on *life-table analysis*, which accommodates different periods at risk of reoffense for different offenders. After seven years of follow-up, the group's re-arrest rates were:

Type of Felony Offense	Re-arrest Rates
Sex Offenses	13 percent
Violent Offenses	3 percent
Non-Violent Offenses	8 percent
Total Recidivism Rates	24 percent

76 percent of the offenders were not re-arrested for any felonies; 87 percent were not re-arrested for sexual offenses.



*Includes adult male sex offenders convicted of a felony sex offense in Washington State between 1985 and 1991, and who were released by 1991.

Juvenile Sex Offenders: What Are Their Recidivism Patterns?

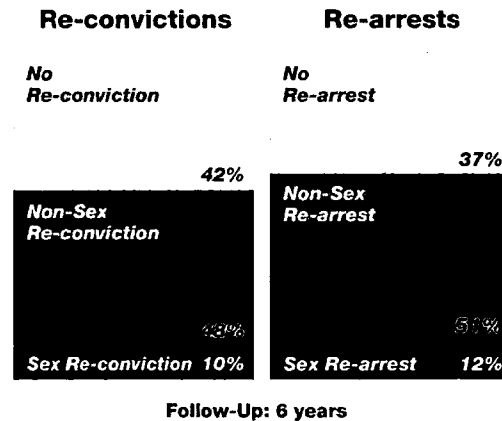
From: *Juvenile Sex Offenders: A Follow-Up Study of Reoffense Behavior*

Approximately 200 juvenile sex offenders convicted in 1984 in Washington were followed through 1991 to identify their re-arrests and re-convictions for sex offenses and non-sex offenses, including both misdemeanors and felonies. The recidivism patterns show interesting results:

- Re-arrests and re-convictions for **sex offenses** were low: 12 and 10 percent, respectively.
- A much larger percentage of juvenile offenders had re-arrests and re-convictions for **non-sex offenses**: 51 and 48 percent, respectively.
- More juvenile offenders who reoffend do so in their *first year after release* in the community than in subsequent years.

Thus, findings suggest that for juvenile offenders, their risk of committing new sex offenses is much smaller than their risk of committing new, non-sex offenses. Moreover, most of these other offenses were misdemeanors or non-violent felonies. This lack of "specialization" among juvenile sex offenders in their subsequent criminal behavior seems to mirror the re-arrest pattern of adult sex offenders.

Recidivism of Juvenile Sex Offenders* in Washington State



* Based on 197 juveniles referred for treatment or assessment in a state institution or community-based program in 1984.

Washington State Institute for Public Policy, 1992

Does The SSOSA Sentencing Option Provide Adequate Community Protection?

From: *The Special Sex Offender Sentencing Alternative: A Follow-up Study of Recidivism*

The Washington State Legislature has been interested in knowing the effects of the treatment sentencing option for sex offenders (SSOSA) on community safety. The Institute has followed the criminal behaviors of adult sex offenders who were convicted in 1985 and the first half of 1986, comparing the recidivism rates of those offenders who received SSOSA (Special Sex Offender Sentencing Alternative) with those who did not. Their re-arrest rates were followed for seven years.

Research findings revealed the following:

- Decision-makers in the adult criminal justice system select sex offenders for SSOSA who pose a *low risk of reoffending*.
- After seven years of follow-up, 9 percent of the SSOSA group had been re-arrested for a sex offense (91 percent were **not re-arrested** for a new sex offense). In comparison, the offenders who *were eligible* for SSOSA, but *not selected*, showed a 14 percent re-arrest rate for sex offenses and those *not eligible* showed a 31 percent re-arrest rate for sex offenses.

Why Is It Difficult To Treat Some Sex Offenders?

Many people think that "sex offender treatment" is something that can be applied to an offender, and will offer clear and immediate benefits in reducing the likelihood of reoffense. Unfortunately, treatment is a more difficult undertaking. Why?

- Treatment effectiveness is often measured by an impossible standard: that it work every time for every offender. No treatment for any disorder, medical or psychiatric, is that effective. Unfortunately, the result of a treatment failure creates a terrible cost: the victimization of an innocent person. It is understandable that people are upset and angry when this happens, but it does not mean that treatment is a worthless endeavor.
- Sex offenders have one thing in common: they have committed an illegal sexual act. But, as a group they are quite diverse and suffer from individual combinations of problems, including deviant sexual arousal, personality disorders, and chemical addictions. The necessary "dose" of treatment will vary greatly, as will the focus, length, and intensity of the therapeutic approach.
- Motivation and participation of the offender are required for treatment to work. Because many sex offenders are not motivated to change their behavior, pressure from the legal system can be helpful.

*Adapted from remarks
by Lucy Berliner,
Harborview Sexual Assault Center*

A Preliminary Look: Does The Twin Rivers Sex Offender Treatment Program Reduce Recidivism?

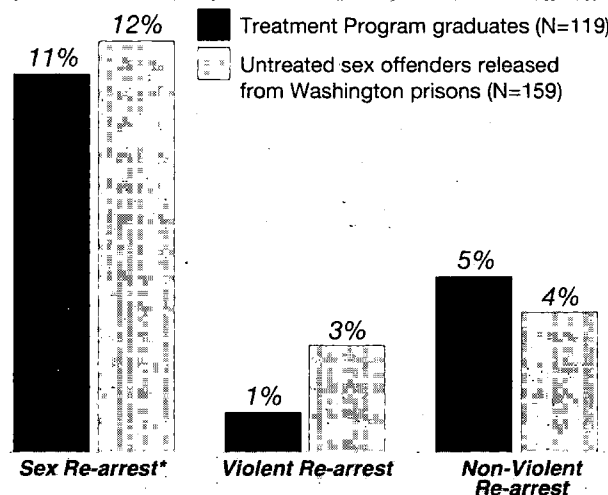
From: *Preliminary Recidivism Rates: The Twin Rivers' Sex Offender Treatment Program*

What are the recidivism rates of sex offenders treated and released from the state prison treatment program? An Institute study compared the recidivism rates of program graduates with a group of released sex offenders who did not receive treatment during their incarceration. Because offenders in the treatment program were required to volunteer, admit their guilt, have at least one year remaining in prison, and have an IQ of 80 or above, there may be significant differences between the treatment and comparison groups that result from the selection process, and are *unrelated* to the effects of the treatment program.

Findings from this preliminary analysis of the sex offender treatment program include:

- Recidivism rates for the treatment group were estimated to be **slightly** lower than the rates for the comparison group throughout the three-year period (11 percent compared to 12 percent for a sex re-arrest); however, the difference was not statistically significant.
- In designing future research on the effectiveness of treatment, a controlled (random assignment) experiment is suggested to minimize the bias that is inherent in a program that relies on volunteers.
- A larger sample size and a longer follow-up time would provide more information about the long-range effects of prison-based sex offender treatment and increase the likelihood of scientifically valid results.

Treated Sex Offenders Have Slightly Lower Re-arrest Rates Than Untreated Sex Offenders*



* The differences are not statistically significant.
Re-arrest rates are adjusted for 3 years of follow-up in the community.

Washington State Institute for Public Policy, 1993

Violent and non-violent offense categories do not include sex offenses.

From: *Community Notification: A Survey of Law Enforcement*

Washington State's 1990 Community Protection Act requires released sex offenders to register with their sheriff within 24 hours of release. In addition, the Act expressly authorizes law enforcement agencies to notify the public when a sex offender with a high risk of reoffense settles in the community. This "community notification" law was the first of its kind in the country, and acquired national attention when an offender's intended place of residence was burned down by an arsonist. According to a March 1993 survey of law enforcement, this incident was exceptional.

Sex Offender Registration

Twenty-four states now require released sex offenders to register with law enforcement. Washington's law is one of the most stringent. Under Washington's Community Protection Act, juvenile and adult sex offenders released from confinement must register with the sheriff in their county of residence within 24 hours of release. The duration of the requirement (for both juveniles and adults) is: life for Class A felony¹ sex offenders, 15 years for Class B felony sex offenders, and 10 years for Class C felony sex offenders.

Of those adult sex offenders subject to registration laws between February 1990 and November 1993, **80 percent have registered.**² The compliance rate for adult sex offenders for 1990 was 57 percent; 76 percent for 1991; and 81 percent for 1992.

Failure to register is a crime; the level of the crime depends upon the original offense and can be a felony or a gross misdemeanor. As of April 1993, 16 sex offenders had been convicted of the felony-level crime of Failure to Register. Nearly all of these convictions occurred in populous areas, such as King, Pierce, Snohomish, and Benton counties.

Community Notification

Many states have programs designed to notify victims and witnesses about the location of specific offenders during their imprisonment, and when and where their release occurs. In Washington, notification is expanded far beyond these situations. Washington's law, known as "community notification," authorizes law enforcement to release "relevant" information about convicted sex offenders to the public. The notification activities have included front-page news articles, community meetings, flyers and posters, and canvassing of neighborhoods.

The legislation gives explicit immunity to public agencies that release "relevant and necessary" information about sex offenders, protecting them from civil litigation. The legislation does not provide guidance regarding how to determine which offenders pose the greatest risk.

¹ Class A felony sex offenses include: First or Second Degree Rape, First or Second Degree Rape of a Child, and First Degree Child Molestation.

² Washington State Patrol, December 1993.

From March 1990 to March 1993, 2,216 sex offenders were released from prison: 415 (nearly 20 percent) were the subject of Special Bulletins from the Department of Corrections because they posed potential risks to the community. The Washington Association of Sheriffs and Police Chiefs developed guidelines which help law enforcement agencies determine what type of notification should occur, *after* the risk assessment has been conducted. They recommended the following levels of dissemination:³

- *Low risk of reoffense (Level I):* Information is maintained within the local law enforcement agency and disseminated to law enforcement agencies. A photograph may be included.
- *Moderate risk of reoffense (Level II):* Includes the notification actions within Level I. In addition, schools and neighborhood groups may be notified.
- *High risk of reoffense (Level III):* Includes the notification actions within Levels I and II. In addition, the public may be notified through press releases.

Survey of Law Enforcement

A survey of law enforcement representatives by the Institute revealed the following:⁴

- In the three years following the passage of the law, 176 sex offenders (8 percent of total offenders released) have been the subject of community notification (*Levels II and III*).
- The public's access to information on registered sex offenders varies within the state.
- Law enforcement reported that during the first three years of the law, 14 acts of harassment were directed at released sex offenders (and in some cases, their families) following notification.

Type of Information Released to the Public with Community Notification

LEVEL I	Information is retained for use by law enforcement only.
LEVEL II	<ul style="list-style-type: none"> • Approximate or Exact Address: 74% <ul style="list-style-type: none"> Approximate Address: 53% Exact Address: 21% • Physical Description: 63% • Photograph: 49% • Criminal History: 49% • Method of Approaching Victims: 49% • Vehicle Model: 14% • Place of Employment: 12%
LEVEL III	<ul style="list-style-type: none"> • Approximate or Exact Address: 88% <ul style="list-style-type: none"> Approximate Address: 35% Exact Address: 53% • Photograph: 86% • Physical Description: 86% • Criminal History: 74% • Method of Approaching Victims: 67% • Place of Employment: 47% • Vehicle Model: 24%

Washington State Institute for Public Policy, 1993

³ Washington Association of Sheriffs and Police Chiefs' *Recommended Policy on Community Notification*, May 1990.

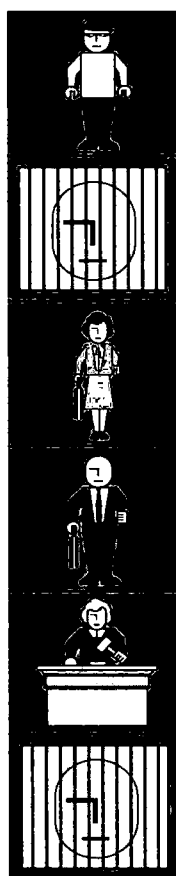
⁴ This survey occurred prior to the July 1993 notification on Joseph Gallardo.

Civil Commitment For Sexually Violent Predators

When the Community Protection Act was drafted by a special Task Force in late 1989, considerable attention was given to one question: What gaps in Washington State law allow the release of known dangerous sex offenders who are at high risk of committing very serious crimes upon release? The Task Force concluded that a new law was needed to fill this gap, and drafted a civil commitment procedure for sexually violent predators that was enacted in 1990.

Under this statutory scheme, persons found to be "sexually violent predators" are confined for treatment until they are "safe to be at large." By definition, a sexually violent predator is a 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." The legislature found that sexually violent predators have antisocial personality features which are not amenable to existing mental illness treatment methods, and these features "render them likely to engage in sexually violent behavior."

The process of civil commitment can be summarized as follows:



The Crime: The offender commits one or more sexually violent crimes.

Prison Time: The offender serves a prison sentence.

Prosecutor Review: When the offender is nearing release, the Departments of Corrections and Social and Health Services review the case to determine if the person meets the statutory criteria of "sexually violent predator." If these criteria are met, the case is referred to the prosecutor in the county where the original crime was committed.

Evaluation: If the prosecutor files a petition for civil commitment, the person is sent to the Special Commitment Center in Monroe, Washington, for evaluation.

Trial: If the evaluation determines the person to be a sexually violent predator, the person may voluntarily agree to confinement at the Center or demand a court trial. Prosecutors must prove beyond a reasonable doubt that the person meets the definition of a sexually violent predator.

Commitment and Treatment: If found to be a sexual predator, the person is confined until considered, through a jury trial, "safe to be at large."

As of January 1994, 14 individuals have been committed as sexually violent predators; an additional 9 are awaiting evaluations and trials. The Washington State Supreme Court found the civil commitment statute to be constitutional in August 1993.

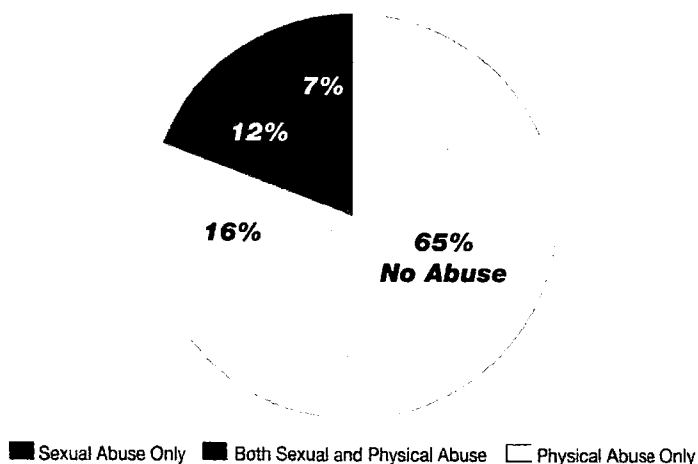
How Many Adults Are Being Sexually Abused?

From: *Women in Transition*

National research on the sexual abuse of adult women is scarce; however, studies indicate that at least 20 percent of women have experienced sexual abuse and assault at least once *during their lifetime*.⁵ A recent study of women in Washington State found that many women are the victims of sexual and/or physical abuse as adults (age 18 or older):⁶

- 19 percent reported being sexually abused
- 35 percent reported some type of abuse (sexual and/or physical)

Many Women in Washington State Who Reported Sexual Abuse Also Reported Physical Abuse As Adults



Washington State Institute for Public Policy, 1993

Sexual Abuse was defined as "unwanted touching, sexual assault, or rape" by anyone.

Physical Abuse was defined as being "hit, kicked, punched, or beaten up" by a spouse or boyfriend/girlfriend.

⁵ Council on Scientific Affairs, "Violence Against Women," *Journal of the American Medical Association*, v. 267, no. 23, June 1992.

⁶ Based on survey data from a statewide sample of households that was used as the comparison group for the *Family Income Study*, conducted by the Washington State Institute for Public Policy.

How Many Children Are Being Sexually Abused?

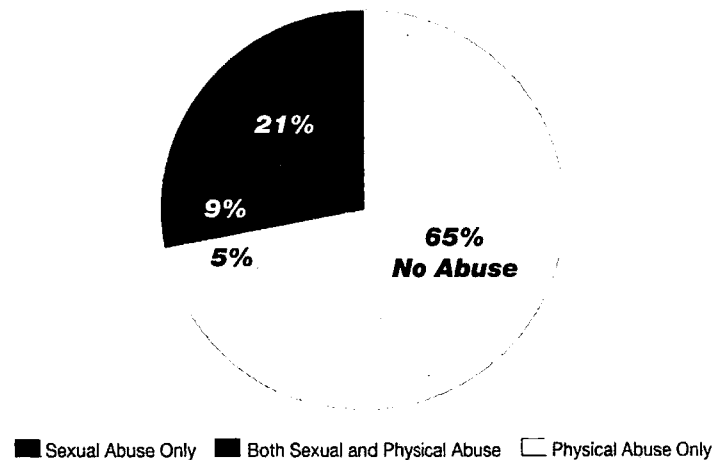
From: *Child Abuse, Teen Pregnancy, and Welfare Dependency: Is There A Link?*

National Statistics: The first national study on the prevalence of child sexual abuse found that 27 percent of the women and 16 percent of the men had experienced some form of child sexual victimization (Finkelhor et al. 1990).⁷ The median age of abuse was 9.9 years for boys and 9.6 years for girls. Another recent national study found that 18 percent of the women reported being the victim of child rape or molestation.⁸

Washington State Statistics: A Washington State study found that 30 percent of the women were sexually abused while growing up; the median age of first sexual abuse was 8 years.⁹

Both the Finkelhor national study and the Washington State study used comparable definitions of sexual victimization that included rape, sexual assault, or unwanted touching.

Many Women in Washington State Reported Being Sexually Abused While Growing Up



Washington State Institute for Public Policy, 1993

Sexual abuse was defined as "unwanted touching, sexual assault, or rape" by a family member or others.

Physical abuse was defined as being "hit, kicked, punched, or beaten up, other than the occasional spanking," by parents or guardians.

⁷ Finkelhor et al., "Sexual Abuse in a National Survey of Adult Men and Women: Prevalence, Characteristics, and Risk Factors," *Child Abuse & Neglect*, v. 14, 1990.

⁸ Saunders et al., *Epidemiological Characteristics of Child Sexual Abuse: Results from Wave II of the National Women's Study*, 1992.

⁹ Based on survey data from a statewide sample of households that was used as the comparison group for the *Family Income Study*, conducted by the Washington State Institute for Public Policy.

Treatment For Victims Of Sexual Abuse

From: *Standardized Assessment for Victims of Sexual Abuse, Service Level Assessment for Statewide Victims' Programs, and Standardized Program Evaluation for Victim Services*

In reviewing the national literature, findings show that although it is widely recognized that sexual victimization is harmful, treatment outcome studies are rare. Because the effects of sexual abuse on children may not be apparent until many years after the occurrence, outcome studies need a long duration to accurately describe the consequences. Serious outcomes of childhood sexual abuse are usually not observed until adolescence or adulthood.

Research results indicate:

- Crisis intervention services, although helpful to victims, are not sufficient to resolve the emotional consequences of sexual abuse.
- Fear and anxiety symptoms in rape victims can be reduced by specific techniques that focus on these symptoms.
- Therapy for children that **combines** behavioral techniques with cognitive approaches appears to be promising. (Cognitive therapy helps people identify and alter thought patterns that contribute to disruptive behavior.)

Examination of *victim services in the state* produced the following findings:

Victim Assessment:

- A checklist of the specific effects of sexual assault can help structure victim treatment. This checklist was developed and made available to programs.

Organizational Issues:

- The fairest way to allocate state dollars for victim services appears to be based on population; communities are best-positioned to assess their individual needs.
- Effective services for sexual assault victims require the collaboration of citizens, professionals, and organizations in a community. Programs and communities should be encouraged to explore all possible sources of government and non-government funding.

Program Evaluation:

- State funding agencies do not have a common set of measures; thus, service agencies must separately compile data for each funding source, and comparisons among agencies are difficult. Three strategies could significantly improve the state's ability to evaluate program effectiveness:
 - 1) Implement a standardized format for statistical summaries.
 - 2) Implement a standardized evaluation format and define the critical performance measures.
 - 3) Select key issues that affect most programs and conduct evaluations on a statewide level, using individual programs across the state as sites for data collection.

The mission of the Washington State Institute for Public Policy is to assist policymakers, particularly those in the legislature, in making informed judgments about the most important long-term issues facing Washington State.

The Institute conducts research on issues of major importance to the state using academic specialists from universities in Washington State. Institute staff work closely with legislators and legislative, executive, and agency staff to define issues that can benefit from academic involvement. New activities are initiated at the request of the legislature or executive branch agencies. A board of directors governs the Institute and guides the development of new projects.

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**Washington State
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The Evergreen State College
Seminar 3162, Mailstop TA-00
Olympia, WA 98505

(206) 866-6000, extension 6380
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