

## Exploratory Sex Offender Recidivism Study: 2004 Probation Sentence & Prison Release Cohorts

### Literature Review

#### Introduction

Criminologists have been measuring rates of recidivism for more than a century. It should be noted that different types of criminal offenders recidivate at varying rates and for different reasons. Sex offenders are no exception and this population requires specific re-offense research of its own. Obtaining valid measurements can be a challenge and there are different ways to define and measure recidivism. Also, the length of the follow-up period used to measure recidivism may affect results.

#### Measurement Methods

Recidivism rates are determined by using information regarding new arrests, charges, convictions, or clinical information disclosed by a sex offender to a counselor. Other records can be used, such as victimization surveys (Hanson & Harris, 2004) or self-reporting surveys, although the validity of the latter method may be questionable. There are many choices when deciding how to define recidivism: failure to register, violation of parole or probation requirements, new sex offense, new violent nonsexual offense, any new felony offense, or any new misdemeanor offense. For the purposes of this review, unless otherwise specified; general recidivism refers to any new offense committed, sexual recidivism refers to any new offense that has a sexual nature, and violent recidivism refers to any new offense that is violent in nature, but not sexual.

#### Follow-Up Periods

Another factor to take into consideration is the length of the follow-up period used to observe and measure recidivism. Generally, a longer follow-up period will result in a higher rate of recidivism. As illustrated in Table 1, a variety of follow-up periods were used for the different studies.

#### Offender Types

Research indicates that different types of sex offenders have different rates of recidivism, depending upon factors including: 1) victim types (boys, girls, family members, acquaintances, and strangers) (Hanson & Harris, 2004; Hanson & Bussière, 1998); 2) criminal history; and 3) demographic data (Hanson & Bussière, 1998). Similar types of sex offenders tend to have similar personality and victim types, and tend to recidivate at similar rates. Ron Langevin et al (2004) found that over a 25-year follow-up period: 1) extra-familial child molesters recidivated at a rate of 71-74.1%; 2) exhibitionists recidivated at a rate of 68.6%; and 3) that polymorphous offenders recidivated at a rate of 32.1%. A study using more recent data found that rapists' sexual recidivism rate, following up for 4 to 5 years, was 18.9% and that child molesters sexually recidivated at a rate of 12.7% (Hanson & Bussière, 1998). An analysis in Canada found that rapists recidivated at rates of 14%, 20%, and 24% over 5, 10, and 15-year follow-up periods, respectively (Hanson & Harris, 2004). This same study broke down child molesters by victim type and found that: 1) incest child molesters recidivated at the lowest rate of any type of child molester defined in the study (6%, 9%, and 13% over the same follow-up periods); 2) those with male victims were highest (23%, 28%, and 35%; same follow-up period); and 3) female victim-seeking offenders' rates were somewhat lower (9%, 13%, and 16%; same follow-up period, Hanson & Harris, 2004).

#### Treatment

Another factor that influences recidivism is treatment. The type, duration, and location of treatment should be considered (Barnoski, 2006; Hanson & Bussière, 1998; Stalans, 2004). Different sex offender types are more susceptible to treatment than others (Stalans, 2004). According to Stalans (2004), psychopathic personality types are much less prone to change offending behavior after going through treatment. Currently, the most

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widely accepted form of psychological treatment is the cognitive-behavioral approach. This treatment method provides offenders with psychological tools to help prevent relapses into offending behavior (Stalans, 2004; Aos, Miller & Drake, 2006; Marshall & Laws, 2003; Hall, 1995). A relatively new alternative treatment method is the use of serotonin reuptake inhibitors that have a “chemical castration” effect (Stalans, 2004). This reduces sex offenders’ deviant sexual urges, but does not completely remove sex drive, and is safer to take in extended doses compared to previous forms of medical treatment (Stalans, 2004). This form of treatment is not as commonly mentioned in the literature as relapse-prevention and cognitive-behavioral therapy methods.

### **General Recidivism**

General recidivism has a fairly wide range, with some concentration of recidivism in the 33.2 to 36.3 % range for a follow up period range of 4-5 years (Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2005 & 2009). There are also higher variations like 69% over 6 years (Milloy, 2007), and 80% over 25 years (Langevin et al, 2004). When broken down by offender type, one study found that the general recidivism rate for rapists is 46.2%, and for child molesters is 36.9% for a follow-up period of 4-5 years (Hanson & Bussière, 1998).

### **Sexual Recidivism**

Sexual recidivism is concentrated in the 11.1 to 14% range with a follow up period of 4-6 years (Hanson & Bussière, 1998; Helmus, Hanson, Thornton, Babchishin & Harris, 2012; Hanson & Morton-Bourgon, 2005 & 2009; Hanson & Harris, 2004). This range includes a 12.4% sexual recidivism rate discovered in a 2012 meta-analysis of over 20 recidivism studies (Helmus, Hanson, Thornton, Babchishin, & Harris, 2012). Two studies found that over a 10-year follow-up period, the rates of sexual recidivism were 16.6% (Hanson & Bussière, 1998) and 20% (Hanson & Harris, 2004). Other variations in the literature include 0.6% for sex felonies over a 5-year follow-up period (Barnoski, 2006), 23% for sex felonies over a 6-year follow-up period (Milloy, 2007), 24% over a 15 year follow-up period (Hanson & Harris, 2004), and a rate of 60% over a 25 year follow-up period (Langevin et al, 2004).

### **Violent Recidivism**

Violent recidivism among sexual offenders has a large range, with reported recidivism rates of 5.1% to 14.3%, with a follow up range of 4-6 years (Barnoski, 2006; Milloy, 2007; Hanson & Bussière, 1998; Hanson & Morton-Bourgon, 2005; Boccaccini,

Murrie, Caperton & Hawes, 2009). For rapists, violent recidivism is reported at 22.1% and at 9.9% for child molesters (Hanson & Bussière, 1998).

Due to the various ways that sex offender recidivism is defined and measured, caution should be used in making comparisons. How recidivism is defined and measured is distinct to each research project. The findings of any one study likely should not be applied to the entire population of sex offenders. Nonetheless, it is useful to recognize the use of different approaches used in research regarding recidivism by sex offender.

## **Exploratory Analysis of Recidivism Rates for Sex Offenders in New Mexico**

This analysis was prepared by New Mexico Sentencing Commission staff. Available data sources were used. It is intended to be exploratory, is not intended to be definitive and does not represent recidivism rates for sex offenders in New Mexico generally. It is important to note that this analysis does not track sex offenders who may have committed subsequent offenses in other jurisdictions.

This analysis follows two groups: 1) 79 convicted sex offenders in a probation cohort who were sentenced to probation only in 2004; and 2) 126 convicted sex offenders who were released from prison in 2004. Offenders in both cohorts were convicted of a sex offense that required they register as a sex offender.

### **Probation Cohort**

Offenders in the probation cohort were tracked for probation violations through January 2012 and tracked for prison admissions through May 2012. Of the 79 sex offenders in the probation cohort, 47 offenders (59.5%) did not violate their probation. 32 offenders (a little more than 40%) violated their probation at least one time. Of the 32 offenders who violated their probation, 21 offenders had only one violation, 5 offenders had two violations, 2 offenders had three violations and 4 offenders had four violations.

Of the 32 offenders who violated their probation, 15 offenders (46.9%) had their probation revoked and 13 offenders (40.6%) had their probation reinstated. The outcomes were unknown for the remaining 4 offenders (12.5%). Of those who violated their probation, 19 did within two years (59.6%).

Fifteen offenders who received a probation sentence were later admitted to prison. Looking only at their first admission subsequent to the probation sentence, 13 were admitted for probation violations, one for a new sex crime and one for a drug offense. For those who were admitted to prison, 8 offenders had only one admission. Five offenders had two admissions and 2 offenders had

three admissions.

The findings regarding this cohort are not comparable with the findings presented in the literature review, since the sample is based on a cohort that received probationary sentences only rather than offenders released from prison.

### **Prison Cohort**

The prison cohort of sex offenders in this analysis consisted of 126 offenders. Offenders in the prison cohort were tracked for prison re-admissions through May 2012. Eighty of those offenders were not re-admitted back into prison. Forty-six of the 126 offenders were re-admitted to prison. Looking only at their first readmission subsequent to their 2004 release, 27 offenders were re-admitted for a parole violation. Five offenders were re-admitted to prison for probation violations, 7 offenders were re-admitted for a sexual offense and 4 offenders were re-admitted for another type of offense. Three offenders were re-admitted to prison for failure to register as a sex offender.

A majority (26 offenders) of the 46 offenders re-admitted to prison were re-admitted once, 14 offenders were re-admitted twice and 6 offenders were re-admitted three or more times.

These findings are exploratory and limited to readmission only to New Mexico prisons for a single year release cohort (2004). This analysis should not be generalized to recidivism rates for sex offenders in New Mexico.

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Table 1 - Summary of Recidivism Studies								
Study	Measurement Method	Follow-Up Period	Recidivism Rates					
Barnoski, R. (June 2006)	*New Arrests (Felonies)	5 Years	Sex 0.6%	Violent 5.1%	All 15.4%			
Boccacini, Murrie, Caperton & Hawes (2009)	New Arrests	4-5 Years	Sex 3.2%	Violent S 2.6%	V non-S 6.1%	Not V or S 18.3%	FTR 11.8%	
Hanson & Bussière (1998)	Convictions, Arrests, Self-Reports, Parole Violations	4-5 Years	Sex 13.4%	V non-S 12.2%	All 36.3%			
Hanson & Harris (2004)	Charges, Convictions, Additional Police Info	5 Years	Sex 14.0%					
		10 Years	20.0%					
		15 Years	24.0%					
Hanson & Morton-Bourgon (2005)	Arrests, Convictions, Incarcerations, Self-Reports	5-6 Years	Sex 13.7%	V non-S 14.3%	V All 14.3%	All 36.2%		
Hanson & Morton-Bourgon (2009)	* Convictions	5.8 Years	Sex 11.5%	V or S 19.5%	All 33.2%			
Helmus, Hanson, Thornton, Bachishin & Harris (2012)	Charges, Convictions	5 Years	Sex 11.1%					
		10 Years	16.6%					
Milloy, C. (June 2007)	Convictions (Felonies & Misdemeanors), Referrals	6 Years	Sex 23.0%	V non-S 10.0%	All 69.0%	FTR 4.0%		
Ron Langevin et al (2004)**	Charges, Convictions, Court Appearances, Clinical Statements	25 Years	Sex 60.0%	All 80.0%				

\*Measurement method not explicitly stated; implied from publication.

\*\*The "All" value also includes sex crimes from clinical statements not included in the "Sex" value.

V = Violent, S = Sexual, FTR = Failure to Register, P Viol.= Probation/Parole Violation