

Updated Exploratory Sex Offender Recidivism Study: 2004—2006 Probation Sentence & Prison Release Cohorts

Literature Review

Introduction

Criminologists have been measuring rates of recidivism for more than a century. 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.

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.

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-report 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, recidivism refers to any readmission to a New Mexico Correction Department (NMCD) facility, sexual recidivism refers to any readmission to a NMCD facility for an offense sexual in nature, and violent recidivism refers to any readmission to a NMCD facility that is violent in nature, but not sexual.

Follow-Up Periods

The length of the follow-up period used when measuring recidivism rates is important to take into consideration as it can vary greatly from one study to another (see Table 1). In other instances, researchers allow the follow-up period to be determined by setting a number of arrest/conviction incidents and allowing the violations to dictate the follow-up period (see Bench & Allen, 2013).

Offender Types

Recidivism rates vary by type of sex offender and factors such as: 1) demographic data (Bench & Allen, 2013; Hanson & Bussière, 1998); 2) criminal history; and 3) victim type (boys, girls, family members, acquaintances, or strangers) (Hanson & Harris, 2004; Hanson & Bussière, 1998). Demographics include factors like age and marital status. Research shows that younger offenders (Bench & Allen, 2013; Hanson & Bussière, 1998) and single offenders are more likely to reoffend than older or married offenders. For nonsexual recidivism, Meloy (2005) found that several factors – age, prior drug use, number of prior felony convictions, and “the number of behavioral and treatment conditions imposed on the probationer” – were predictive. Sex offenders of similar types tend to have several factors in common, including personality and victim types, and recidivism rates. How these types are grouped can vary from study to study.

Hanson and Bussière (1998) conducted a meta-analysis of 61 studies including information on demographics and criminal history and found that over an average follow-up period of 4 to 5 years the recidivism rates varied by group – rapist or child molester – as well as by type of recidivism – sexual, nonsexual violence, or general recidivism. The sexual recidivism rate for rapists was nearly 50% higher than for child molesters (18.9% versus 12.7%) and the nonsexual recidivism rate was nearly twice as high for rapists as for child molesters (22.1% versus 9.9%). General recidivism also varied, with a 36.9% rate for child molesters and a 46.2% rate

for rapists (see Table 1 for the combined totals). Other work by Sample and Bray (2006) categorized sex offense statutes by victim age and nature of offense. Over a five year follow-up period, rearrest rates were highest for child molesters (51.9%) and rapists (49.1%) (p. 93). Arrests for the same sex offense occurred most frequently for rapists (5.8%) and those in the other category (5.4%), which includes crimes such as pimping and soliciting juvenile prostitutes (p. 94). While all categories of offenders recidivated at a rate of less than 10% for any sex crime, child pornographers, the other category, and rapists were most likely to reoffend (p. 95). 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. While not broken down by type of offender, Bench and Allen (2013) determined that as a group, offenders who had failed treatment programs were 2.3 times more likely to recidivate than those who had completed treatment (p. 420). The type, duration, and location of treatment should be considered (Barnoski, 2006; Hanson & Bussière, 1998; Stalans, 2004). Different sex offender types are more responsive 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 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 et al, 2006; Marshall & Laws, 2003; Hall, 1995). Schmucker and Lösel (2008) conducted a review of outcome evaluations of sexual offender treatment and found treatments (other than non-behavioral forms) could reduce recidivism – sexual, violent, and general – by approximately a third (p. 10). 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 such as 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). It should be noted that some studies such as Langevin et al (2004) note a much higher recidivism rate (in several categories of recidivism) are criticized for issues that may bring into question the validity and generalizability of the results. Some of these issues include sampling methods, what definitions of recidivism were used, and the research model for the study.

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).

Exploratory Analysis of Recidivism Rates for Sex Offenders in New Mexico

This analysis was prepared by New Mexico Sentencing Commission (NMSC) staff. Available data sources were used. It is intended to be exploratory, it 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 builds on a report that was published by NMSC in 2012. Additional release and probation cohorts were added. The analysis includes offenders who were released from NMCD facilities or began probation for a sex offense that requires registration for calendar years 2004 - 2006. Additionally, in this analysis, NMSC staff were given access to Offender Watch by the New Mexico Department of Public Safety to confirm registration and NMCD probation data to confirm that offenders in the probation cohort received sentences that did not include prison time.

This analysis follows two groups: 1) 109 convicted sex offenders in a probation cohort who were sentenced to probation between 2004 - 2006; and 2) 351 convicted sex offenders who were released from prison from 2004 - 2006. 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 prison admissions through October 2013. Five offenders were removed from the cohort because they died during the follow up period. Of the remaining 104 sex offenders in the probation cohort, 30 were subsequently admitted to a NMCD facility (28.8%). There were a total of 45 admissions. Just over 13% were admitted more than once. Table 1 presents the admissions by category.

| Category | Admissions |
|--------------------------------|------------|
| Parole Violation Admissions | 15 |
| Admissions for New Crimes | 15 |
| Probation Violation Admissions | 15 |

Looking at new offenses, 46.7% of those admitted for a new charge were convicted of a violent offense. This is

a violent recidivism rate of 6.7%. The sexual recidivism rate was 1.9%. Table 2 contains a breakout of the types of charges for new admissions.

| Charge Type | Count |
|-------------|-------|
| Violent | 7 |
| Drugs | 4 |
| Sex offense | 2 |
| Burglary | 1 |
| Other | 1 |

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 351 offenders. Offenders in the prison cohort were tracked for prison re-admissions through October 2013. Eleven offenders were removed from the cohort because they died during the follow up period. Of the remaining 340 offenders, 137 were re-admitted to prison (40.3%). There were a total of 225 admissions. 18.5% were admitted more than once. Parole violation admissions were the most common admission type (48.8%), followed by new crimes (33.3%). Table 3 lists the admissions by category.

Looking at new offenses, 30.7% of those admitted for a new charge were convicted of a violent charge. This is a violent recidivism rate of 6.8%. The sexual recidivism rate was 4.1%. Table 4 contains the breakout of new charges.

| Category | Admissions |
|--------------------------------|------------|
| Parole Violation Admissions | 110 |
| Admissions for New Crimes | 75 |
| Probation Violation Admissions | 40 |

Next Steps

These findings are exploratory and limited to readmission only to New Mexico prisons for the prison and probation cohorts (2004-2006). This analysis

Table 4. Breakout of New Charges

| | |
|---------------------|----|
| Violent | 23 |
| Sex offense | 14 |
| Failure to Register | 11 |
| Drug | 10 |
| Other | 10 |
| Burglary | 7 |

to include data on court convictions and probation violations.

In the next iteration, we also plan on integrating the findings from the forthcoming literature review and inventory the Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, plans to release in the near future. ■

should not be generalized to recidivism rates for sex offenders in New Mexico.

NMSC plans on updating this study biennially. In 2016, we will add years to both cohorts. We will plan

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| Table 1 – Summary of Recidivism Studies | | | | | | |
|---|--|---------------------------------|-----------------------------------|--|---|--------------------------------------|
| Study | Measurement Method | Follow-Up Period | Recidivism Rates | | | |
| Barnoski, R. (June 2006) | *New Arrests (Fel) | 5 years | Sex 0.6% | Violent 5.10% | All 15.40% | |
| Bench & Allen (2013) | Revocations, warrants, arrests, convictions | 11-24.2 years | Sex* MD: 3.45% Fel: 7.27% | Nonsex* MD: 20.18% Fel: 8.73% | Revocations, technical violations 54.74% | |
| Boccaccini et al (2009) | New Arrests | 4-5 Years | Sex 3.20% | Violent S 2.60% | V non-S 6.10% | Not V or S 11.80% FTR 11.8% |
| Hanson & Bussière (1998) | Convictions, Arrests, Self-Reports, Parole Violations | 4-5 Years | Sex 13.40% | V non-S 12.20% | All 36.30% | |
| Hanson & Harris (2004) | Charges, Convictions, Additional Police Info | 5 Years 10 Years 15 Years | Sex 14.00% 20.00% 24.00% | | | |
| Hanson & Morton-Bourgon (2005) | Arrests, Convictions, Incarcerations, Self-Reports | 5-6 Years | Sex 13.70% | V non-S 14.30% | V All 14.40% | All 36.20% |
| Hanson & Morton-Bourgon (2009) | **Convictions | 5-8 Years | Sex 11.50% | V or S 19.50% | All 33.20% | |
| Helmus et al (2012) | Charges, Convictions | 5 Years 10 Years | Sex 11.10% 16.60% | | | |
| Langevin et al (2004)*** | Charges, Convictions, Court Appearances, Clinical Statements | 25 Years | Sex 60.00% | All 80% | | |
| Meloy (2005) | Arrests | 3 Years | Sex 4.50% | Nonsex 11.70% | | |
| Milloy (June 2007) | Convictions (Fel & Misd), Referrals | 6 Years | Sex 23.00% | V non-S 10% | Overall (Nonsex & Sex) 16% | |
| Sample & Bray (2006) | Arrests | 5 years | Sex <10%, all categories | Any Felony: 31.4% to 51.9% by category | All 69% | FTR 4% |

*Based on the number of convictions only.

**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