

SEX OFFENDER SENTENCING IN WASHINGTON STATE: RECIDIVISM RATES

The 2004 Legislature directed the Washington State Institute for Public Policy to analyze the impact and effectiveness of current sex offender sentencing policies.¹ Because the topic is extensive, we are publishing a series of reports.

This report describes the recidivism rates of Washington State sex offenders. It examines the 4,091 sex offenders placed in the community from 1994 to 1998 after release from prison or jail or a community supervision sentence. Typically, news articles report sex offender recidivism with one number. This study examines recidivism from multiple perspectives, looking at the type of sex offender (child victim, rapist, sex offender with priors) and the categories of crimes after release (sex, violent, non-violent, misdemeanor).

This study defines recidivism as a conviction occurring during the first five years after release to the community. In addition, the time between the date of a recidivism offense and the conviction for that offense—the adjudication period—is taken into account. Our previous work indicates that a one-year adjudication period captures nearly all convictions.²

SUMMARY

This report describes the recidivism rates of Washington State sex offenders.

Findings

- **Compared with the full population of felony offenders, sex offenders have the lowest recidivism rates for felony offenses (13 percent) and violent felony offenses (6.7 percent) but the highest recidivism rates for felony sex offenses (2.7 percent).**
- **Sex offenders who victimize children have the lowest felony recidivism rates as well as the lowest sex (2.3 percent) and violent felony (5.7 percent) recidivism rates. Rapists have the highest sex (3.9 percent) and violent felony (9.5 percent) recidivism rates. Some select populations of sex offenders in the state have been found to have much higher recidivism rates.³**
- **Sex offenders who complete SSOSA,⁴ an outpatient treatment sentence, have the lowest recidivism rates in all categories. In contrast, sex offenders sentenced to prison have the highest rates. Those sentenced to jail or community supervision have rates similar to, but slightly below, the recidivism rates of those sentenced to prison.**

The relatively low “base rate” of recidivism makes it challenging to predict reoffending. Subsequent reports will cover this topic in detail.

¹ ESHB 2400, Chapter 176, Laws of 2004.

² Robert Barnoski, 2005, *Sex Offender Sentencing in Washington State: Measuring Recidivism*, Olympia: Washington State Institute for Public Policy, Document No. 05-08-1202. Only offenses that result in a conviction are included in the measurement of recidivism.

³ Cheryl Milloy, 2003, *Six-Year Follow-Up of Released Sex Offenders Recommended for Commitment Under Washington’s Sexually Violent Predator Law, Where No Petition Was Filed*, Olympia: Washington State Institute for Public Policy, Document No. 03-12-1101.

⁴ Special Sex Offender Sentencing Alternative.

Exhibit 1 compares the recidivism rates of sex offenders to other violent and then to non-violent offenders. The recidivism rates are based on the most serious offense that is involved in the reoffending.⁵

Compared with other felony offenders, felony sex offenders have the lowest recidivism rate for felony offenses (13 percent), the lowest rate for violent felony recidivism (6.7 percent), but the highest recidivism rate for felony sex recidivism (2.7 percent).

Other violent offenders have the highest recidivism rate for violent felony offenses (16.6 percent). The non-violent offenders have the highest felony recidivism rate (33.7 percent) and the highest rate for felony non-violent offenses (25.2 percent), which are primarily drug and property offenses.

When looking at misdemeanor offenses, we find sex offenders are most often convicted of crimes involving assault.⁶ Less than 1 percent of sex offenders reoffend with a misdemeanor sex offense. Less than 3 percent of sex offenders are convicted for failure to register as a sex offender.

Exhibit 1
Comparing Felony Sex and Other Felony Offenders: Five-Year Recidivism Rates

Most Serious Recidivism Offense	Type of Felony Offender		
	Sex	Other Violent	Non-Violent
Number of Offenders	4,091	15,952	49,380
Percentage Distribution	5.9%	23.0%	71.1%
Felony	13.0%	31.5%	33.7%
Sex	2.7%	0.9%	0.7%
Violent (Not Sex)	4.0%	15.7%	7.8%
Violent Total	6.7%	16.6%	8.4%
Property	3.1%	7.4%	12.6%
Drug	2.3%	6.4%	11.8%
Other	0.9%	1.0%	0.9%
Non-Violent Total	6.3%	14.8%	25.2%
Misdemeanor	11.5%	16.9%	13.5%
Sex	0.1%	0.3%	0.4%
Failure to Register	2.4%	0.1%	0.0%
Assault	4.9%	9.7%	5.2%
Other	4.1%	6.9%	7.8%
Total Recidivism	24.5%	48.4%	47.2%

Exhibit 2 displays the recidivism rates for all sex offenders, and then separately for offenders convicted of felony sex involving a child victim,

⁵ Homicide is the most serious felony offense followed by sex offenses, robbery, assault, property, drug, and then other felonies.

⁶ Misdemeanors are less serious than felonies.

rape, and other felony sex offenses.⁷ Sex offenders convicted of offenses against children are the most prevalent (69 percent).⁸

Child victim sex offenders have the lowest felony recidivism rate (10.5 percent) as well as the lowest for sex (2.3 percent) and violent felony (5.7 percent). Rapists have the highest sex (3.9 percent) and violent felony (9.5 percent) recidivism rates. Other sex offenders have rates similar but slightly lower than the rates of rapists.

Exhibit 2
Comparing Types of Felony Sex Offenders: Five-Year Recidivism Rates

Most Serious Recidivism Offense	Total	Type of Felony Sex Offender		
		Rape	Child Sex	Other Felony Sex
Number of Sex Offenders	4,091	661	2,821	609
Percentage Distribution	100%	16.2%	69.0%	14.9%
Felony	13.0%	17.4%	10.5%	20.0%
Sex	2.7%	3.9%	2.3%	3.3%
Violent (Not Sex)	4.0%	5.6%	3.3%	5.1%
Violent Total	6.7%	9.5%	5.7%	8.4%
Property	3.1%	3.3%	2.7%	4.9%
Drug	2.3%	3.0%	1.4%	5.7%
Other	0.9%	1.5%	0.7%	1.0%
Non-Violent Total	6.3%	7.9%	4.8%	11.7%
Misdemeanor	11.5%	13.0%	11.1%	12.0%
Sex	0.1%	0.3%	0.1%	0.0%
Failure to Register	2.4%	2.6%	2.4%	2.5%
Assault	4.9%	5.1%	4.7%	5.4%
Other	4.1%	5.0%	3.8%	4.1%
Total Recidivism	24.5%	30.4%	21.5%	32.0%

Exhibit 3 subdivides violent felony reoffending by sex offenders into specific types of offenses. All recidivism rates are low because the overall violent reoffending rate is low. Child victim sex reoffending is the most prevalent. Two percent of all sex offenders reoffend with a felony child sex offense, including 2.1 percent for child victim sex offenders and 2.6 percent for other felony sex offenders. Very few rapists recidivate with a child victim sex offense (0.9 percent). Rapists have the highest recidivism rate for rape, 2.4 percent.

⁷ Rape is ranked the most serious followed by child sex and then other felony sex. Less than 1 percent of those convicted of rape also have a child sex conviction.

⁸ Child victim sex offenses include Child Molestation, Child Pornography, Communication With a Minor for Immoral Purposes, Incest, Indecent Liberties With Victim Under 14, Luring of Minor, Patronizing a Juvenile Prostitute, Rape of a Child, Sex Misconduct With a Minor, Statutory Rape, and Sexual Exploitation of a Minor. Adult sex offenses include Carnal Knowledge and Custodial Sexual Misconduct.

Exhibit 3

**Comparing Types of Felony Sex Offenders:
Violent Felony Five-Year Recidivism Rates**

Most Serious Violent Recidivism Offense	Total	Type of Felony Sex Offender		
		Rape	Child Sex	Other Felony Sex
Child Victim Sex	2.0%	0.9%	2.1%	2.6%
Assault	1.7%	2.1%	1.5%	2.0%
Firearm	0.7%	0.6%	0.6%	1.1%
Rape	0.5%	2.4%	0.1%	0.3%
Domestic Violence	0.5%	0.9%	0.4%	0.5%
Kidnapping	0.3%	0.8%	0.2%	0.2%
Robbery	0.2%	0.5%	0.1%	0.5%
Other Violence	0.2%	0.2%	0.2%	0.2%
Other Sex	0.2%	0.6%	0.1%	0.3%
Murder	0.2%	0.3%	0.1%	0.3%
Dom. Viol. Assault	0.1%	0.2%	0.1%	0.0%
Burglary 1	0.1%	0.2%	0.1%	0.3%

Exhibit 4 displays the number of sex offenders recidivating with a felony sex offense. Numbers are presented because percentages are quite small. The exhibit indicates that few offenders have a subsequent felony sex offense within a five-year follow-up period that results in a conviction.

Exhibit 5 displays the recidivism rates for sex offenders by type of sentence they received: jail/community supervision, Special Sex Offender Sentencing Alternative (SSOSA) and prison.⁹ SSOSA offenders have the lowest felony, felony sex, and violent felony recidivism rates, while those sentenced to prison have the highest rates. Those sentenced to jail/community supervision have rates similar to, but slightly lower than, the recidivism rates of those sentenced to prison.

Exhibit 4

**Comparing Types of Felony Sex Offenders:
Felony Sex Five-Year Recidivism Counts**

Most Serious Sex Offense Recidivism	Total	Type of Felony Sex Offender		
		Rape	Child Sex	Other Felony Sex
Number of Sex Offenders	4,091	661	2,821	609
Number Recidivating With Felony Sex Offense	112	26	66	20
Rape 1	6	5	1	0
Rape 2	7	4	2	1
Rape 3	9	7	1	1
Sexual Exploitation of a Minor	2	0	1	1
Child Pornography	3	0	3	0
Communicating With Minor for Immoral Purpose	24	1	18	5
Patronize Juvenile Prostitute	1	0	1	0
Luring of Minor	2	1	1	0
Rape of a Child 1	5	1	3	1
Rape of a Child 2	4	0	3	1
Rape of a Child 3	14	1	9	4
Child Molestation 1	17	0	13	4
Child Molestation 2	6	2	4	0
Child Molestation 3	3	0	3	0
Sodomy	1	0	1	0
Indecent Liberties	4	2	1	1
Incest	1	1	0	0
Promote Prostitution 1	1	1	0	0
Promote Prostitution 2	2	0	1	1

Exhibit 5

**Comparing Types of Sentences for Sex Offenders:
Five-Year Felony Recidivism Rates**

Most Serious Recidivism Offense	Total	Type of Sentence		
		Jail [‡]	SSOSA	Prison
Number of Sex Offenders	4,091	1,055	1,097	1,939
Percentage Distribution	100%	25.8%	26.8%	47.4%
Felony	13.0%	14.5%	4.7%	16.9%
Sex	2.7%	3.2%	1.4%	3.2%
Violent (Not Sex)	4.0%	4.3%	1.5%	5.2%
Violent Total	6.7%	7.5%	2.8%	8.5%
Property	3.1%	3.1%	1.2%	4.2%
Drug	2.3%	3.0%	0.5%	2.9%
Other	0.9%	0.9%	0.2%	1.2%
Non-Violent Total	6.3%	7.0%	1.9%	8.3%
Misdemeanor	11.5%	15.2%	4.9%	13.3%
Sex	0.1%	0.2%	0.0%	0.2%
Failure to Register	2.4%	2.0%	1.0%	3.5%
Assault	4.9%	7.2%	2.1%	5.2%
Other	4.1%	5.8%	1.8%	4.4%
Total Recidivism	24.5%	29.7%	9.7%	30.1%

[‡] Jail includes those sentenced to jail and/or community supervision.

⁹ Another report in the Institute's sex offender sentencing series analyzes the sentencing decision.

Exhibit 6 displays violent recidivism rates. Recidivism for a child victim sex offense is the most prevalent violent reoffense for all three types of sentences, with an overall recidivism rate of 2 percent. SSOSA offenders have the lowest child victim sex offense recidivism rate, while those sentenced to jail have the highest rate. Those sentenced to prison have the highest rape reoffense rate (0.9 percent).

Exhibit 6
Comparing Types of Sentences for Sex Offenders:
Violent Felony Five-Year Recidivism Rates

Most Serious Violent Recidivism Offense	Total	Type of Sentence		
		Jail	SSOSA	Prison
Child Sex	2.0%	2.6%	1.2%	2.1%
Assault	1.7%	1.9%	0.8%	2.0%
Firearm	0.7%	0.9%	0.2%	0.8%
Rape	0.5%	0.5%	0.0%	0.9%
Domestic Violence	0.5%	0.5%	0.1%	0.7%
Kidnapping	0.3%	0.1%	0.1%	0.5%
Robbery	0.2%	0.2%	0.0%	0.4%
Other Violence	0.2%	0.2%	0.0%	0.3%
Other Sex	0.2%	0.2%	0.2%	0.3%
Murder	0.2%	0.1%	0.1%	0.3%
Dom. Viol. Assault	0.1%	0.3%	0.2%	0.0%
Burglary 1	0.1%	0.0%	0.0%	0.3%

Exhibit 7 displays the recidivism rates for offenders with any felony sex offense conviction in their Washington State adult criminal history. This sample includes offenders with past as well as current sex offense convictions; it contains 4,952 persons, or 861 more than in the previous sample. This group of sex offenders has slightly higher recidivism rates than those in the 1994 to 1998 sample.

Child victim sex offenders are by far the largest group; 63 percent of these offenders have a child sex conviction (and no rape conviction) in their criminal history.

Rapists have the highest recidivism rates, followed by other sex offenders, and then child sex offenders with the lowest rates. Rapists have the highest violent recidivism rate (13.6 percent) and child victim sex offenders have the lowest violent offense recidivism rate (7.3 percent).

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Exhibit 7
Offenders With History of Felony
Sex Convictions: Five-Year Recidivism Rates

Most Serious Recidivism Offense	Total	Type of Felony Sex Offender		
		Rape	Child Sex	Other Felony Sex
Number of Sex Offenders	4,952	1,115	3,107	730
Percentage Distribution	100%	22.5%	62.7%	14.7%
Felony	20.6%	29.9%	13.5%	36.3%
Sex	3.1%	4.3%	2.6%	3.3%
Violent (Not Sex)	6.2%	9.3%	4.7%	7.8%
Violent Total	9.3%	13.6%	7.3%	11.1%
Property	5.3%	7.4%	3.6%	9.3%
Drug	5.2%	7.4%	2.0%	15.1%
Other	0.8%	1.3%	0.6%	0.8%
Non-Violent Total	11.3%	16.2%	6.2%	25.2%
Misdemeanor	12.5%	14.7%	11.7%	12.3%
Sex	0.2%	0.3%	0.2%	0.3%
Failure to Register	2.2%	2.4%	2.3%	1.4%
Assault	5.5%	6.7%	4.9%	6.0%
Other	4.6%	5.3%	4.3%	4.7%
Total Recidivism	44.3%	60.8%	31.5%	48.6%

Exhibit 8 highlights the type of violent offense involved in recidivism. For this sample of current and previous sex offenders, assault is the most prevalent violent recidivism offense, followed by felony child sex recidivism.

Exhibit 8
Offenders With History of Felony Sex Convictions:
Violent Felony Five-Year Recidivism Rates

Most Serious Violent Recidivism Offense	Total	Type of Felony Sex Offender		
		Rape	Child Sex	Other Felony Sex
Assault	2.6%	3.2%	2.0%	4.0%
Child Sex	2.1%	1.5%	2.3%	2.3%
Domestic Violence	1.0%	1.7%	0.7%	1.1%
Firearm	0.9%	1.3%	0.9%	0.8%
Robbery	0.6%	1.4%	0.3%	0.8%
Rape	0.6%	2.1%	0.2%	0.3%
Kidnapping	0.3%	1.0%	0.1%	0.3%
Other Sex	0.3%	0.7%	0.1%	0.7%
Other Violence	0.2%	0.2%	0.2%	0.0%
Burglary 1	0.2%	0.3%	0.1%	0.3%
Murder	0.2%	0.2%	0.2%	0.5%
Dom. Viol. Assault	0.1%	0.1%	0.2%	0.0%

Document No. 05-08-1203

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