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POR Working Group

# A Primer on Recidivism

# Recidivism:

(Sexual) reoffense after conviction.

Usually measured by re-arrest or re-conviction.

Specified follow-up period.

Recidivism rate: people, not crimes.

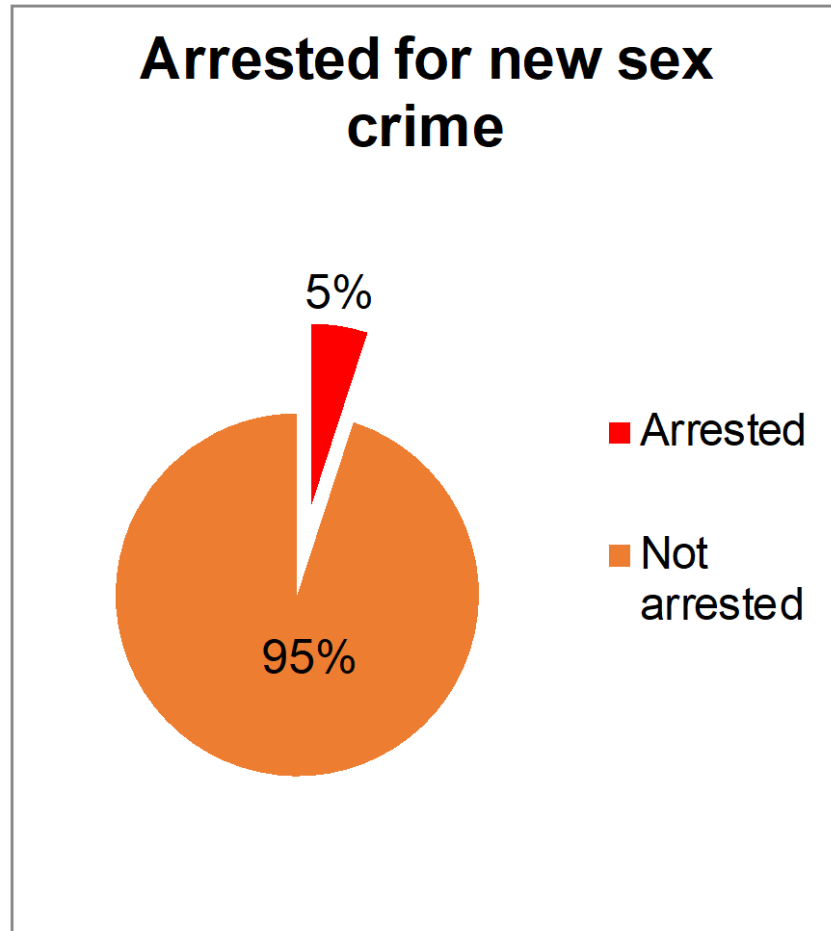
Caveat: Measured recidivism may be an underestimate because of unreported and unconvicted sexual assault. Unknown by how much.

Distinguish absolute vs. relative measures.

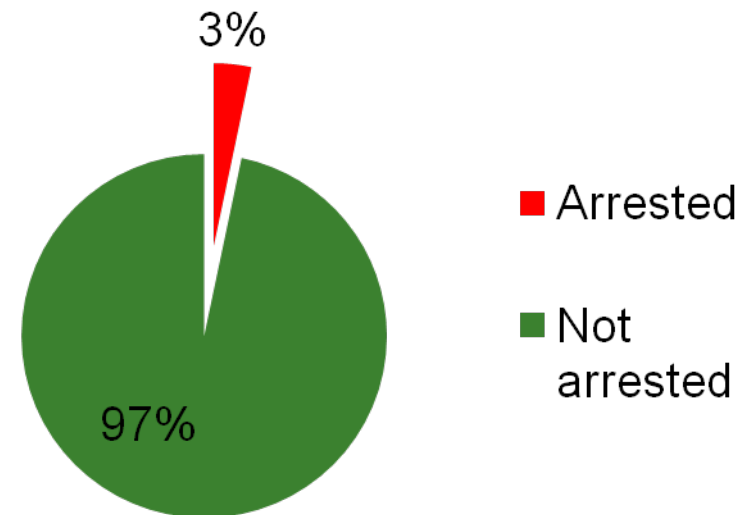
Rationale for registry: high SO recidivism compared to other type of convictions.

- “The legislature's findings are consistent with grave concerns over the high rate of recidivism among convicted sex offenders and their dangerousness as a class. The risk of recidivism posed by sex offenders is “frightening and high.” (*Smith v. Doe*, 538 U.S. 84, 103 (2003)).
- “estimated to be as high as 80%.”
- Released SOs 4x more likely to commit a sex offense than other released prisoners. (Most recent: 3x).

# Sex offender recidivism is well below the myth.

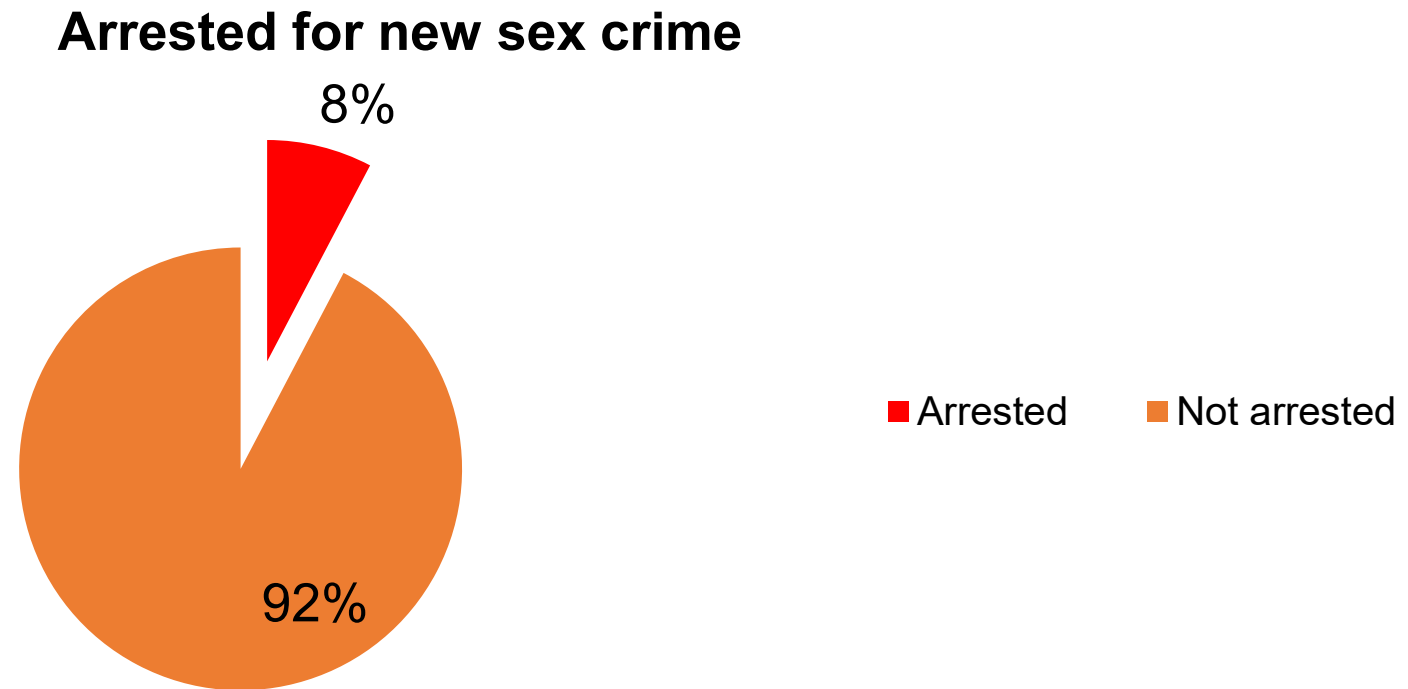


### Child molester sexual recidivism



Source: BJS SO's released in 1994. 3-year recidivism.

# Sex offender recidivism is well below the myth (9-year follow-up)



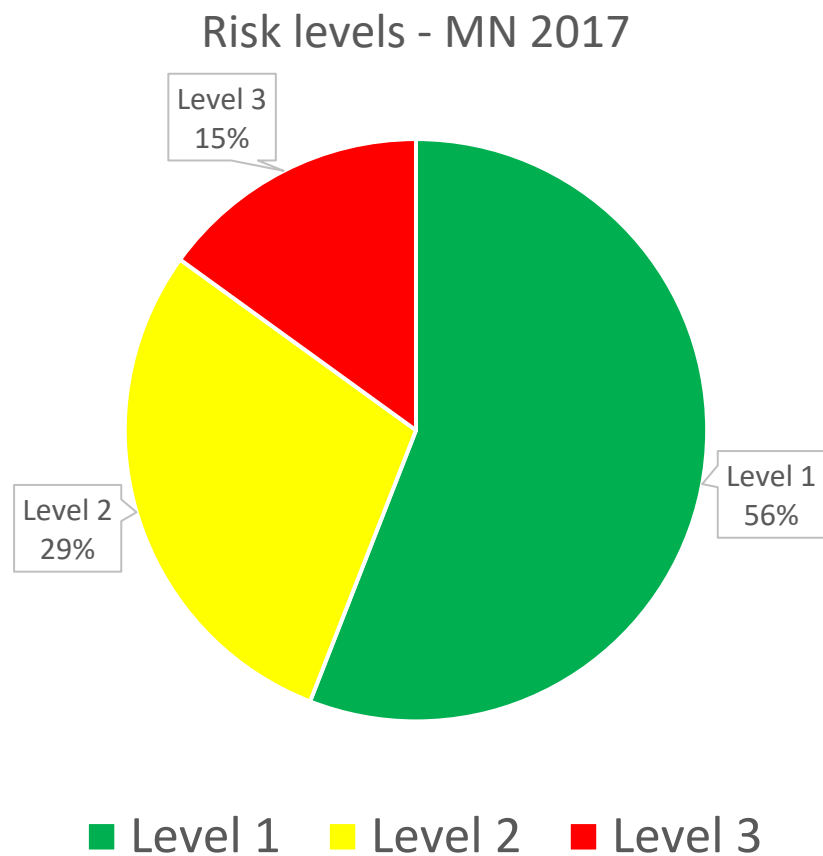
Source: *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)*, DEP'T OF JUST. BUREAU OF JUST. STATS., (May 2019).

# Sex offenders were less likely than other released prisoners to be arrested during the 9 years following release

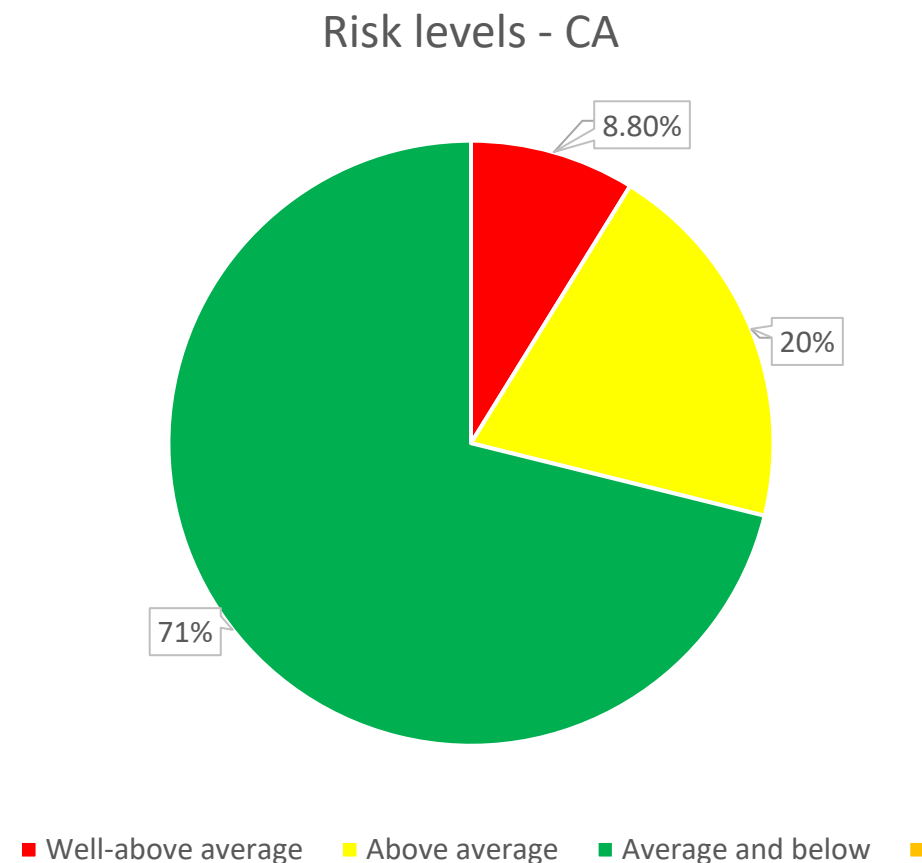
- Among prisoners whose most serious commitment offense was a violent crime, 43.4% were rearrested within 9 years for another violent crime.
- The violent crime rearrest rate for those imprisoned for homicide was 29.5%, for robbery, 47.2%, and for assault, 50.7%.
- Prisoners whose commitment offense was robbery or assault were rearrested for rape/sexual assault at rates of 3.4% and 2.8% respectively.
- *Source: Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14), DEP'T OF JUST. BUREAU OF JUST. STATS., at 1 (May 2019).*

Risk among released sex  
offenders is heterogenous

# Risk is below “average” for most sex offenders



Source: Brian Collins, MN DOC, 2017



Source: Seung C. Lee, R. Karl Hanson, Nyssa Fullmer, Janet Neeley & Kerry Ramos, *The Predictive Validity of Static-99R Over 10 Years for Sexual Offenders in California: 2018 Update*, SARATSO 19, [http://saratso.org/pdf/Lee\\_Hanson\\_Fullmer\\_Neeley\\_Ramos\\_2018\\_The\\_Predictive\\_Vailidity\\_of\\_S\\_.pdf](http://saratso.org/pdf/Lee_Hanson_Fullmer_Neeley_Ramos_2018_The_Predictive_Vailidity_of_S_.pdf).



# Risk declines with age.

- Age-related “reductions in recidivism among sex offenders are consistent across studies....”
- The “aging effect” as “one of the most robust findings in the field of criminology.”
- ROBERT A. PRENTKY, HOWARD E. BARBAREE AND ERIC S. JANUS, SEXUAL PREDATORS: SOCIETY, RISK AND THE LAW (ROUTLEDGE, 2015) at 106-113

## *Recidivism and Age* *Follow-Up Data From 4,673 Sexual Offenders*

R. KARL HANSON  
*Department of the Solicitor General of Canada*

*The public is justifiably concerned* about the risk posed by sexual offenders. Although the observed sexual recidivism rates are only 10% to 15% after 5 years (Hanson & Bussière, 1998), the rates continue to increase gradually with extended follow-up periods (Hanson, Steffy, & Gauthier, 1993a). Do

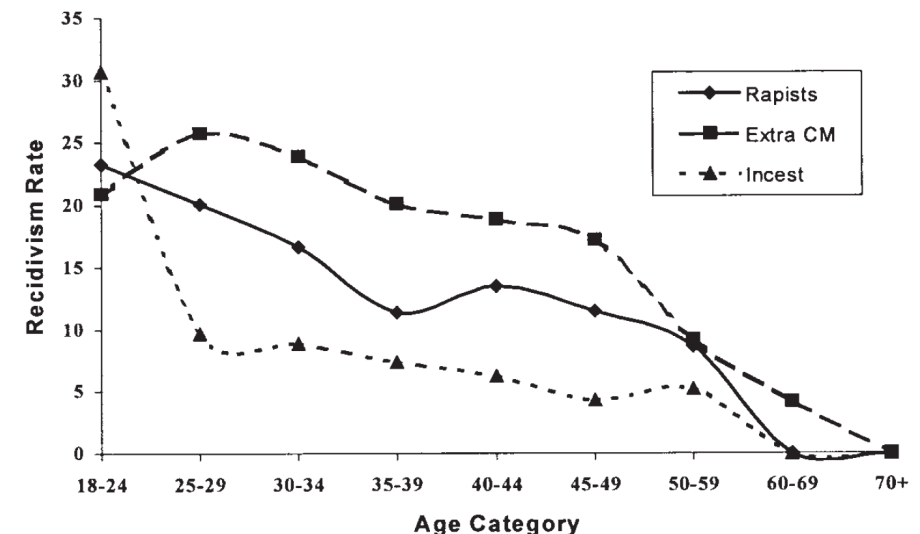
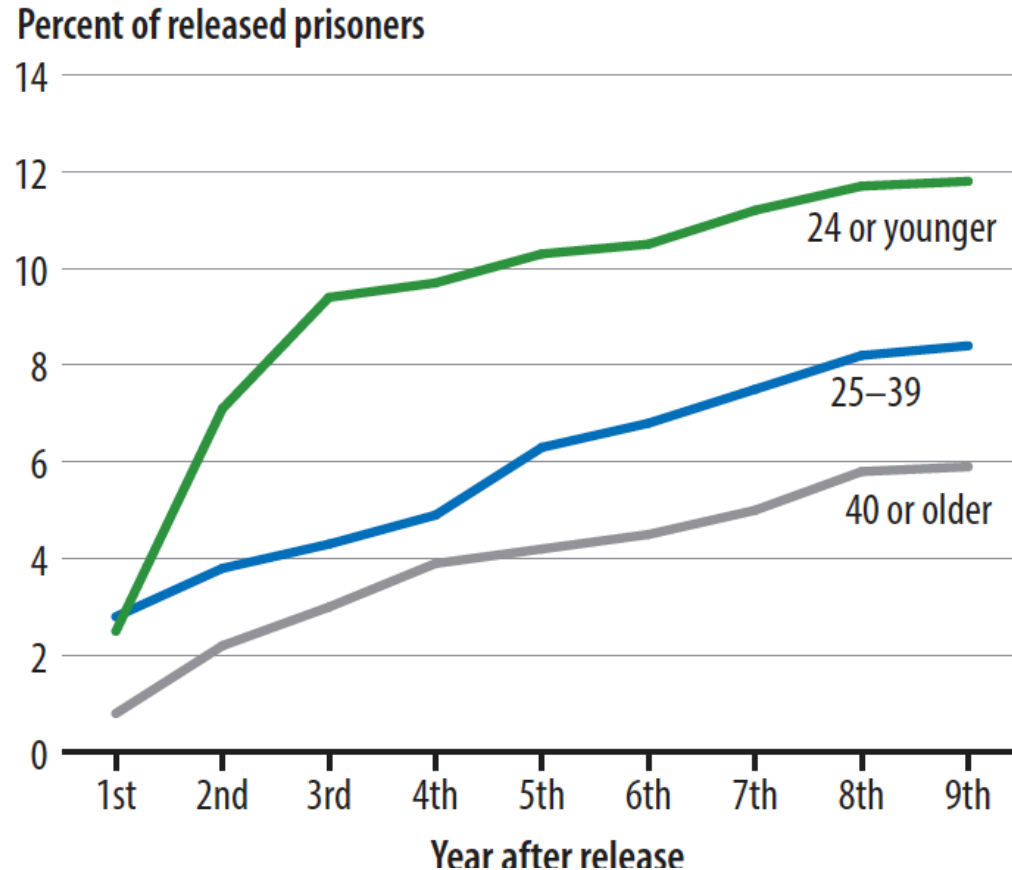


Figure 2: Recidivism Rates by Age Category

**FIGURE 2**

**Cumulative percent of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault who were arrested for rape/sexual assault after release, by age and year after release**



Risk varies by age at release.

Risk declines with  
time offense-free in  
the community

Important policy  
implications

# Psychology, Public Policy, and Law

## Reductions in Risk Based on Time Offense Free in the Community: Once a Sexual Offender, Not Always a Sexual Offender

R. Karl Hanson, Andrew J. R. Harris, Elizabeth Letourneau, L. Maaïke Helmus, and David Thornton  
Online First Publication, October 19, 2017. <http://dx.doi.org/10.1037/law0000135>

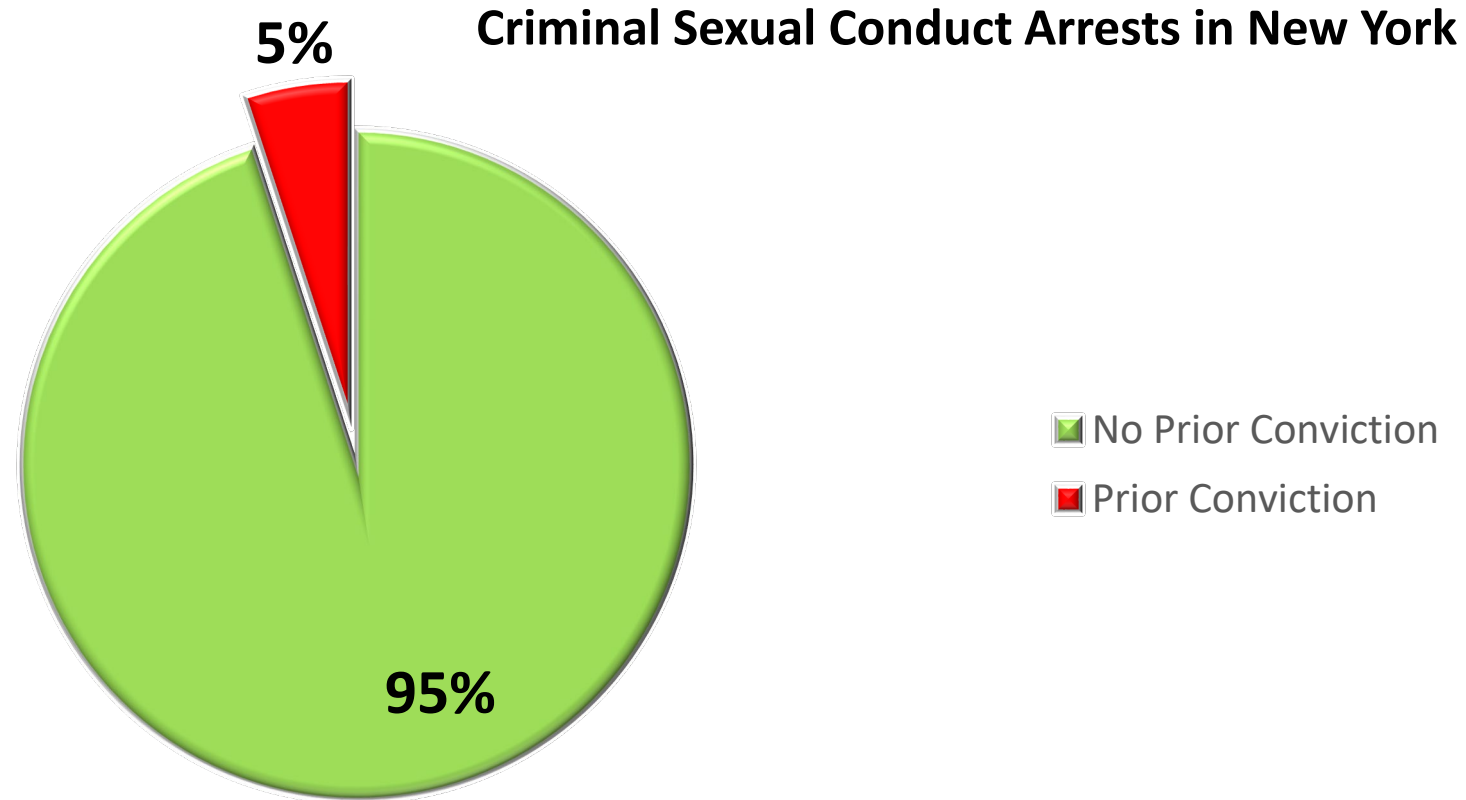
### CITATION

Hanson, R. K., Harris, A. J. R., Letourneau, E., Helmus, L. M., & Thornton, D. (2017, October 19). Reductions in Risk Based on Time Offense Free in the Community: Once a Sexual Offender, Not Always a Sexual Offender. *Psychology, Public Policy, and Law*. Advance online publication. <http://dx.doi.org/10.1037/law0000135>

and all initial risk levels. Nonsexual offending during the follow up period increased the risk of subsequent sexual recidivism independent of the time free effect. After 10 to 15 years, most individuals with a history of sexual offenses were no more likely to commit a new sexual offense than individuals with a criminal history that did not include sexual offenses. Consequently, policies designed to manage the risk of sexual recidivism need to include mechanisms to adjust initial risk classifications and determine time periods where individuals with a history of sexual crime should be released from the conditions and restrictions associated with the “sexual offender” label.

Recidivist sex offending is a small part of sexual offending.

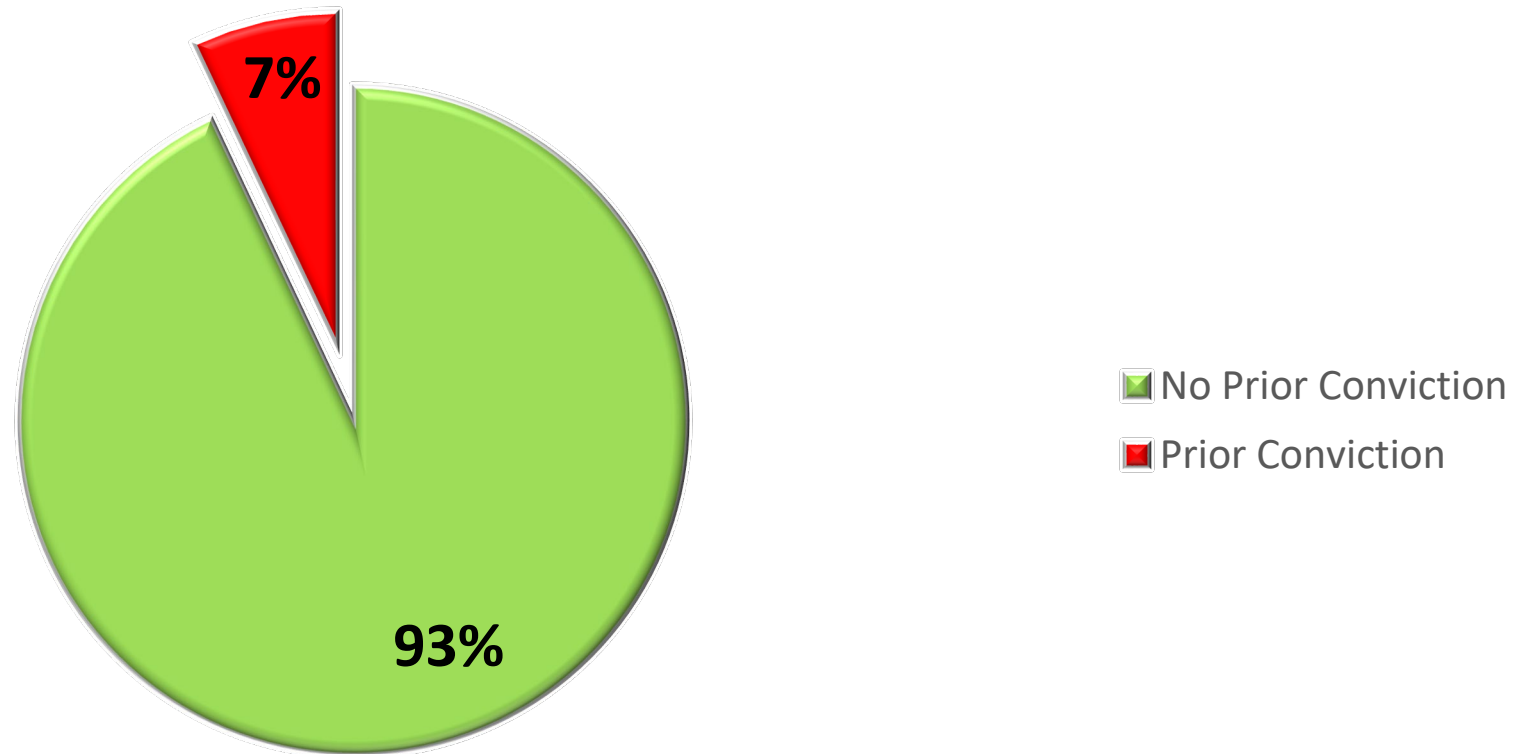
# Most SO Arrests are first-time sex offenders



Source: Scholars' Brief, citing Jeffrey C. Sandler et al., *Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law*. 14 PSYCHOL., PUB. POL'Y & L. 284 (2008) (In N.Y., 95% of sex-offense arrestees between 1986 and 2006 were first-time sex offenders.).

# Most SO Convictions are first-time sex offenders with no prior SO conviction.

**Criminal Sexual Conduct Convictions in Minnesota 2001-2015**



Brian Collins (2017) (Minnesota Sentencing Guidelines Commission, 2016)



