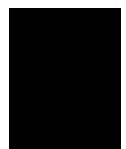


# **WASHINGTON STATE SEX OFFENDERS: Costs of Sentencing Options**

**Roxanne Lieb  
and  
Hal Scogin  
with  
Gregory Weeks**

**February 1993**



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

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## INTRODUCTION

Policy debates regarding sentencing for sex offenders frequently focus on recidivism rates and treatment techniques. This paper addresses the financial aspects of sentencing, comparing the costs of three sentencing options in Washington State.

## MAJOR FINDINGS

- A typical sex offender who is incarcerated costs state and local governments five times more than an offender who successfully completes an alternative sentence known as SSOSA.<sup>1</sup> (See Figure 1)
- 60 percent of the cost of a SSOSA sentence is paid by the offender, who is responsible for payment to a certified treatment provider.
- Currently, 10 percent of the sex offenders in state prisons receive sex offender-related treatment. The cost of providing this treatment increases the state's cost by \$10,206 over the duration of a typical sentence.

## SENTENCE COSTS: WHO PAYS?

The costs of Washington's sex offender sentencing options are calculated for:

- *Sex offenders who receive SSOSA*, both those who successfully complete the sentence and those whose sentences are revoked.
- *Sex offenders who are sentenced to prison.*
- *Sex offenders who receive treatment in prison* (Twin Rivers Corrections Center in Monroe, Washington).

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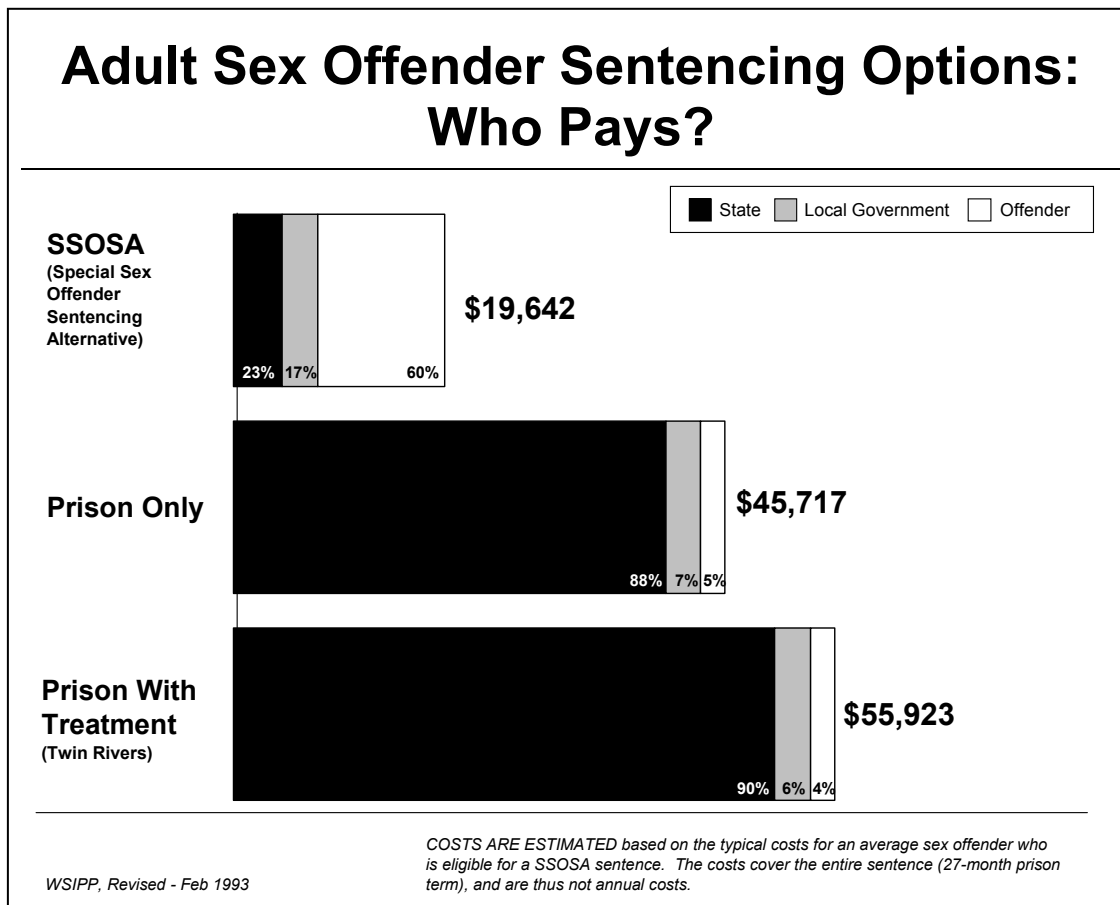
<sup>1</sup> Special Sex Offender Sentencing Alternative. This sentencing alternative allows the convicted offender to receive outpatient treatment in the community, while under the supervision of the Department of Corrections, for three years or longer. The sentence may include a jail stay of up to six months. Only certain sex offenders are eligible for SSOSA; rapists and child molesters with prior offenses are excluded. If the offender does not cooperate with treatment requirements, or does not make adequate progress, the suspended sentence can be revoked by a judge, and the offender is sent to prison for the original sentence.

The calculations are based on the total sentence costs for a typical SSOSA offender, then compared with the costs of a similar offender sent to prison. A 27-month sentence was used for the calculation, because this was the median sentence for SSOSA offenders in Fiscal Year 1992. This 27-month sentence reflects the incarceration time the judge believes is warranted if treatment is not successful. Thus, it is the estimate of the time a SSOSA offender would serve in prison if SSOSA was not available as a sentencing option.

Costs are separated into those paid by the state, local government, and the offender. State costs include estimates for prison and supervision, with local costs covering court hearings and jail stay. The costs borne by the offender include fees paid to private therapists for evaluation and treatment, as well as restitution to victims and court costs (legal/financial obligations). *The appendix details the assumptions for all calculations.*

The following chart compares the cost of a SSOSA sentence with a sentence for prison only, and one involving prison and treatment. SSOSA is the least expensive of the three options presented, costing the state and local governments one-fifth the amount of a prison sentence. Sex offender treatment in prison is the most expensive option. The state has funded a 200-bed treatment facility at Twin Rivers that accommodates 10 percent of the total sex offender prison population.

Figure 1





## THE COST OF SSOSA FAILURE

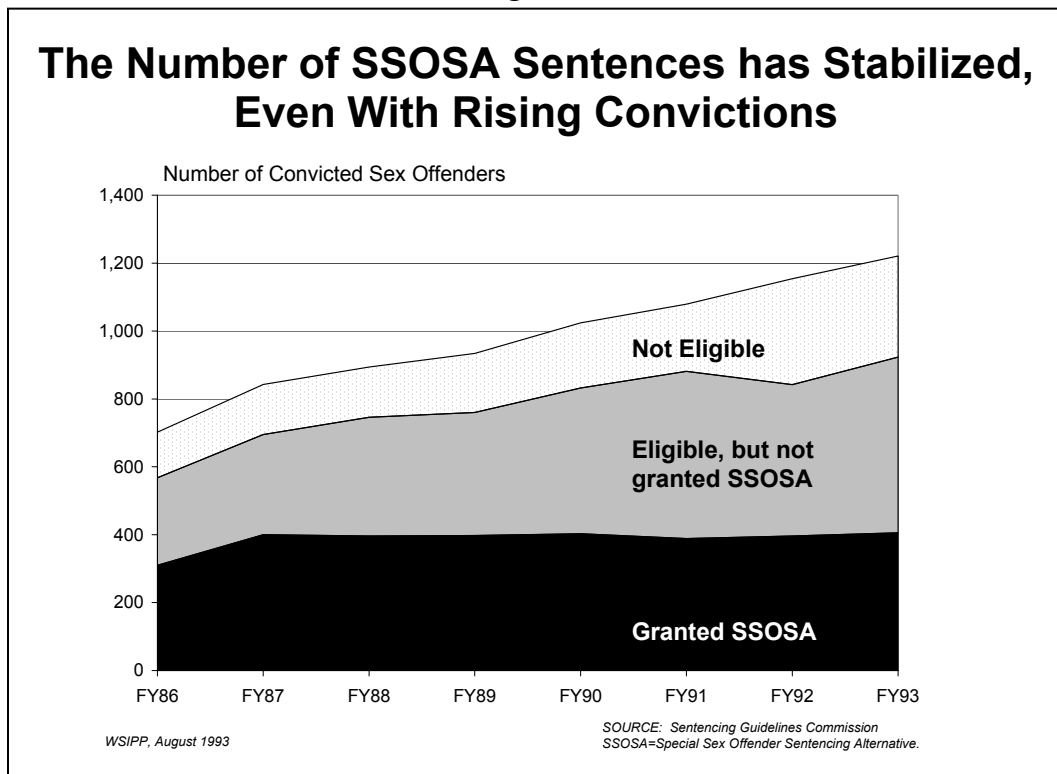
Previous research indicates that 17 percent of those granted SSOSA have their suspended sentence revoked by the judge and are sent to prison.<sup>2</sup> No data is available on when the majority of these failures occur. For this paper, we assumed the failure occurs halfway through the 3-year SSOSA sentence, at 18 months.

Thus, for approximately one out of six offenders selected for SSOSA, the alternative sentence is revoked and the total sentence costs *exceed* the costs of a prison sentence. Most of the additional cost is paid by the offender to a therapist. An accurate estimate of SSOSA costs must take into account this 17 percent failure rate. If the costs of a SSOSA sentence for 100 offenders is averaged, *including* the 17 percent revocation rate, the cost of a SSOSA sentence increases from \$19,642 to \$24,614.

## THE TRENDS IN SENTENCING OF SEX OFFENDERS

In recent years, judges have become more cautious in selecting offenders for SSOSA. Figure 2 shows that even with rising convictions for sex offenses, the number of SSOSA sentences has stabilized.

Figure 2



<sup>2</sup> *The Special Sex offender Sentencing Alternative*, Berliner, Miller, Schram, and Milloy, 1991, page 8.

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# Appendix

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## INTRODUCTION

This appendix details the assumptions used in estimating costs for three types of sentences for Washington State sex offenders:

- Special Sex Offender Sentencing Alternative (SSOSA)
- Prison
- Prison with sex offender treatment at Twin Rivers Correctional Center

The exact costs for sex offender sentences vary greatly by individual. It is not possible to estimate individual costs; therefore, we have concentrated on estimating the costs for *the most typical sentences* received by sex offenders. We did not try to place costs on items that cannot be reasonably quantified, such as injury to victims or loss of a community's sense of security because of sex crimes. In addition, other costs that were potentially retrievable were not calculated because the data was very expensive to obtain; for example, the costs of families going on public assistance because the father is incarcerated. We have focused attention on the most visible costs associated with sentences, aiming at a reasonable approximation of costs.<sup>3</sup>

For the SSOSA estimates, we assumed that the offender was "successful;" that is, followed and completed the treatment requirements. A separate estimate was made for offenders whose SSOSA sentences were revoked and who were returned to prison.

Table 1 (page 8) summarizes all cost estimates that were included in the calculations.

## ASSUMPTIONS REGARDING THE OFFENDER AND SENTENCE LENGTH

In order to accurately compare costs, it was necessary to assume comparable types of offenders. It would not, for example, be reasonable to compare the SSOSA costs associated with a first-time sex offender convicted of Child Molestation with prison costs using a three-time rapist with a 20-year sentence. We obtained information from the Washington State Sentencing Guidelines Commission regarding the median sentence length for SSOSA offenders in Fiscal Year '92, which was 27 months. These sentences for SSOSA offenders are suspended, but can be reinstated by the court, and represent the incarceration time the judge believes is warranted if treatment is not successful.

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<sup>3</sup> For a discussion of cost/benefit methodology and its potential application to the SSOSA program, see *Benefit-Cost Analysis and the Community Protection Act: Evaluating Adult Sentencing Alternatives*, Rodney Fort, 1991, Washington State Institute for Public Policy.

In each instance, we assumed that the offender would be obligated to pay restitution to victims, as well as legal/financial obligations such as court costs. Information from the Department of Corrections showed that in Fiscal Year '92, SSOSA offenders owed an average of \$2,258 for legal/financial obligations.<sup>4</sup>

## **ASSUMPTIONS REGARDING A SSOSA SENTENCE**

### ***Treatment***

By referencing the state sentencing laws, we verified that *treatment* during the suspended sentence shall be for “up to 3 years.” It is extremely rare for a lower amount to be imposed; therefore, the 3-year figure was used in this analysis.<sup>5</sup>

Treatment for SSOSA offenders is provided by a private treatment provider who is certified as a sex offender specialist by the Department of Health. Since the fees charged by private providers vary, we surveyed 12 certified providers in various parts of the state about their typical fees for a SSOSA client, including individual therapy, group therapy, therapy with their spouse, testing, reading materials/equipment, etc. The reported costs ranged from \$4,300 to \$15,840 over the three-year period.<sup>6</sup> For purposed of this calculation, we used the median figure of \$8,640.

### ***Evaluation***

The law now requires that an evaluation of amenability to treatment be submitted to the court if a SSOSA sentence is requested, thus the costs of an evaluation are assumed. In most instances, this evaluation is paid for by the defendant. Evaluation costs ranged from \$250 to \$1500; therefore, we used an average cost of \$875 per evaluation.<sup>6</sup>

### ***Jail Time***

Courts can impose up to 6 months in jail as part of a SSOSA sentence; SSOSA offenders were given a median jail sentence of 2.96 months.<sup>7</sup> Since offenders can earn good time during jail sentences, we used figures from a study by M.M. Bell to determine that offenders earn a statewide average of 25 percent good time,<sup>8</sup> leaving a total jail sentence of 2.22 months (68 days). Jail costs range from \$45 to \$49 per day; our calculations were based on a rate of \$47 per day.

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<sup>4</sup> Peggy Smith, Department of Corrections.

<sup>5</sup> Dave Fallen, Sentencing Guidelines Commission.

<sup>6</sup> Telephone survey of 12 certified treatment providers in Washington State, July 1992.

<sup>7</sup> Dave Fallen, Sentencing Guidelines Commission.

<sup>8</sup> *Changes in Jail Felony Populations: Comparing 1982 to 1988 (State of Washington)*, Bell and Fallen, 1990.

### ***Court Hearing***

A treatment termination hearing is required six months prior to the end of the 3-year suspended sentence, so the estimates also include one hearing. In some instance, more than one hearing will be held during the course of a SSOSA sentence, particularly for offenders who are complying with some, but not all, of their sentence requirements. There was no data available, however, on the proportion of SSOSA defendants who have a non-compliance hearing, so the cost assumptions do not include this.

In order to calculate the costs of the treatment termination hearing, we had to make assumptions about its length. We estimated the typical hearing to last one hour, understanding that many last longer and others are shorter. The calculations included estimates for the salaries of judges (half the cost is borne by the state, the other half by local government), bailiff, court reporter, clerk, prosecutor, defense attorney, the overhead for the building, etc. We contacted several counties for assistance in supplying these calculations, and found that most did not have sufficiently sophisticated accounting systems to provide an estimate. King County was able to provide detailed breakdowns, which we used, recognizing that the costs for other counties would be slightly different.<sup>9</sup> The figure used for local government costs in this category was \$233 per hearing.

### ***SSOSA Failure***

Previous research indicates that 17 percent of offenders receiving SSOSA have their special sentences revoked by the judge and are sent to prison.<sup>10</sup> For offenders whose SSOSA sentences are revoked, costs include those associated with SSOSA in addition to the costs of incarceration. Offenders can have their SSOSA sentence revoked at any point; for purposes of this analysis, we assumed that the offender failed half-way through the sentence, at 18 months.

## **ASSUMPTIONS REGARDING A PRISON SENTENCE**

### ***Confinement***

The primary assumption concerns the sentence length, which was figured at 27 months (see page 1). This sentence can be reduced in two ways: by credit for time served in jail pre-trial (found to be 2.22 months by the Sentencing Guidelines Commission), and by earned early release due to good behavior (estimated at 15% of the sentence by the Department of Corrections).

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<sup>9</sup> Letter from Michael Planet, King County Court Administrator, August 1992.

<sup>10</sup> *The Special Sex Offender Sentencing Alternative: A Study of Decision-Making and Recidivism*, Berliner, Miller, Schram, and Milloy, 1991, page 8.

Since different types of prison confinement have different costs associated with them, we asked the Department of Corrections to estimate the amount of time the typical sex offender spends in each form of confinement, assuming that the offender is cooperative and space is available.

Thus, we estimated the prison confinement costs as follows:

• 14 months of total confinement at \$1,809 per month	=	\$25,326
• 5 months work release at \$1,436 per month	=	\$ 7,180
• 4 months pre-release at \$1,349 per month		\$ 5,396
<b>TOTAL</b>		<b>\$37,902</b>

## SUPERVISION

Sex offenders are supervised by a state community corrections officer for two years following their release from prison. Supervision costs an average of \$122 per month per offender.<sup>11</sup> A specialized unit of officers supervises a small group of sex offenders, and the costs for this supervision are higher. Since only approximately 90 offenders are supervised by this unit, we used the general supervision cost.

The law allows the court, at sentencing, to impose treatment requirements for the period of supervision following release from prison. Sex offenders who are released from the treatment program at Twin Rivers Correctional Center receive post-release treatment at no cost to them; but, for the other 90 percent of sex offenders, no state funds are available for this purpose. Thus, any court-ordered treatment following release is the financial responsibility of the offender. Fifty percent of released sex offenders have treatment requirements, but the Department of Corrections was unable to clarify from their information system what form of treatment was required.<sup>12</sup> A community corrections officer, whose caseload includes sex offenders released from prison, indicated that even if the offender only attends group therapy rather than individual sessions, the costs are between \$200 and \$300 each month, which is beyond the means of most of these individuals. He reported that some manage to find extremely low-cost treatment, others find family members to fund their treatment, and others simply do not comply with the requirement. Given this information, we were unable to develop a satisfactory estimate of the cost of treatment paid by offenders released from prison.

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<sup>11</sup> Peggy Smith, Department of Corrections, July 1992

<sup>12</sup> Ibid.

**Table 1:  
Costs of Sex Offender  
Sentencing Options**

	<b>SSOSA</b>	<b>Prison Only</b>	<b>Prison with Treatment</b>
<b>State</b>	\$4,440.00	\$40,263.00	\$50,469.00
<b>Local</b>	\$3,429.00	\$3,196.00	\$3,196.00
<b>Offender</b>	\$11,773.00	\$2,258.00	\$2,258.00
<b>Total</b>	\$19,642.00	\$45,717.00	\$55,923.00

**Components of *STATE* Sex Offender Costs**

	<b>SSOSA</b>	<b>Prison Only</b>	<b>Prison with Treatment</b>
<b>Supervision</b>	\$4,411.00	\$2,361.00	\$2,361.00
<b>Hearing</b>	\$29.00		
<b>Prison</b>		\$37,902.00	\$37,902.00
<b>Treatment</b>			\$10,206.00
<b>Total</b>	\$4,440.00	\$40,263.00	\$50,469.00

**Components of *LOCAL* Sex Offender Costs**

	<b>SSOSA</b>	<b>Prison Only</b>	<b>Prison with Treatment</b>
<b>Hearing</b>	\$233.00		
<b>Jail</b>	\$3,196.00	\$3,196.00	\$3,169.00
<b>Total</b>	\$3,429.00	\$3,169.00	\$3,169.00

**Components of Costs to the *SEX OFFENDER***

	<b>SSOSA</b>	<b>Prison Only</b>	<b>Prison with Treatment</b>
<b>Evaluation</b>	\$875.00		
<b>Treatment</b>	\$8,640.00		
<b>Legal Financial Obligation</b>	\$2,258.00	\$2,258.00	\$2,258.00
<b>Total</b>	\$11,773.00	\$2,258.00	\$2,258.00