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Sexually Violent Predators and Civil Commitment
A Study of the Characteristics and Recidivism of Sex Offenders
Considered for Civil Commitment But for Whom Proceedings Were Declined

EXECUTIVE SUMMARY

Washington State law provides for the civil commitment of extremely dangerous sex offenders. The Sexually Violent Predator statute (RCW 71.09.020) and the filing standards developed by the Washington State Association of Prosecuting Attorneys (WAPA) establish explicit requirements necessary to initiate civil commitment proceedings on an individual.

This study describes the 61 adult offenders who were referred for possible commitment as predators but for whom such petitions for civil commitment were not filed, during the first six years after the law's passage (July 1990 through June 1996). The decision not to file on these individuals occurred because the county prosecutor (or the attorney general) determined that one or more of the statutory requirements could not be proven. The subsequent criminal behavior of these 61 offenders was tracked in official records for the time period following their release from custody.

Key Findings

Recidivism. This study examined arrests and convictions following release from prison. A technique known as "survival analysis" was used to analyze these rates, controlling for the difference in lengths of follow-up, which varied from 5 to 70 months, with a mean of 46 months.

During this period, more than one-half of the group were rearrested. The highest percentage of offenders were rearrested for nonsexual crimes.

- 59 percent were arrested for one or more new offenses
- 28 percent were arrested for new sex offenses
- 15 percent were arrested for violent felony offenses
- 33 percent were arrested for nonviolent felony offenses
- 23 percent were arrested for misdemeanors

Persistent Offender Statutes. Washington's sentencing laws were amended in 1993 and 1996 to authorize lifetime commitments to prison for persistent offenders ("Three Strikes" and "Two Strikes"). All offenders in this study were confined for offenses committed before enactment of these laws. On the basis of their prior and current convictions, almost 40 percent met the statutory definition of a persistent offender and presumably could have been sentenced to life in prison without parole had they been sentenced after this legislation went into effect. Instead, all were released into the community sometime between 1990 and 1996.

The persistent offender statutes and their recent expansion to encompass persistent sex offenders may modify the types of offenders who will be referred for civil commitment in the future. This new legislation will certainly result in life sentences without parole for sex offenders with multiple convictions. These offenders will never be released and, thus, never be considered for civil commitment as sexually violent predators. As a consequence, the number of referrals may actually decline in the coming years.