July 2004

SENTENCES FOR ADULT FELONS IN WASHINGTON: OPTIONS TO ADDRESS PRISON OVERCROWDING —PART II (RECIDIVISM ANALYSES)—

The 2003 Washington State Legislature directed the Washington State Institute for Public Policy (Institute) to analyze how sentences for adult felons affect the state's prison population. The study's goal is set forth in the authorizing legislation:[1]

The Institute shall determine whether any changes could be made to the current state sentencing structure to address prison overcrowding and the need for new prison construction, giving great weight to the primary purposes of the criminal justice system.

Our task is to determine whether policy changes to Washington's sentencing structure could reduce the growth in the prison population without jeopardizing public safety. Prison population growth can be curbed by having fewer persons go to prison and/or shortening the time some offenders spend in prison.

Of course, any reduction in prison use reduces prison costs. However, this taxpayer benefit may be lessened if more offenders are sentenced to jail with a resulting increase in jail costs. Another tradeoff is the degree to which lowering the incarceration rate would adversely affect the crime rate in Washington. The purpose of this study is to provide decision-makers with information to examine sentencing policy.

To review, Part I found:

- The Washington State prison population has increased considerably, and this growth has outpaced the growth of the adult population.

- The sentencing structure enacted by the 1981 Sentence Reform Act (SRA) [2] has slowed the

SUMMARY

The 2003 Washington State Legislature directed the Institute to analyze the effect of sentences for adult felons. The main task is to determine if there are changes to Washington's sentencing structure that could reduce the growth in the prison population, and its associated costs, without endangering public safety.

Our findings are published in three parts. Part I, published in March 2004, reviewed the state sentencing system and examined trends in the growth of the prison population.

In Part II, we use statistical methods to estimate the impact of prison sentences and length of time in prison on recidivism for offenders at risk in the community between 1986 and 2000. The findings are:

- Being sentenced to prison does not reduce recidivism of offenders and may increase it by 5 to 10 percentage points.

- However, once sentenced to prison, spending more time in prison slightly reduces recidivism for most offenders (by 1 to 3 percentage points for each additional six months in prison).

- Only a small percentage of offenders now sentenced to prison are low risk.

- For those in prison, infraction history is a predictor for future re-offending.

The overall conclusion is that the current sentencing policies send higher-risk offenders to prison and keep higher-risk offenders in prison longer.

Still, it may be possible for decision-makers to identify cost-effective means of reducing the projected growth in the prison population without jeopardizing public safety. The impact of any changes on local jails must be considered.

Since this publication is necessarily technical, Part III will summarize the findings from Parts I and II and explore policy options.

---

[1] ESSB 5404 Sec. 608(2), Chapter 25, Laws of 2003.
[2] RCW 9.94A.

prison population growth compared with the rest of the nation.

- Changes to the SRA over the last two decades have affected the two legislative policy levers that determine the prison population: the percentage of convicted offenders who go to prison, and the length of time imprisoned.

This report, Part II, examines the statistically estimated impact of imprisonment and sentence lengths on recidivism. That is, do offenders sentenced to prison, and those who receive longer prison sentences, recidivate more or less often than similar offenders not sentenced to prison or who receive shorter sentences? Can these policy levers be adjusted to reduce prison populations without adversely affecting public safety?

REVIEW OF SENTENCING STRUCTURE

Washington legislation defines seven broad purposes for the state's sentencing laws:

(1) Ensure that the punishment for a criminal offense is proportionate to the seriousness of the offense and the offender's criminal history;

(2) Promote respect for the law by providing punishment which is just;

(3) Be commensurate with the punishment imposed on others committing similar offenses;

(4) Protect the public;

(5) Offer the offender an opportunity to improve him or herself;

(6) Make frugal use of the state's and local governments' resources; and

*(7) Reduce the risk of re-offending by offenders in the community.[3]*

The first three goals of Washington's sentencing system can be grouped under the concept of "justice"; that is, they establish that punishment should be fair, consistent, and commensurate with the severity of the convicted person's crimes. The fourth goal—protecting public safety—encompasses three concepts: general deterrence, specific deterrence, and incapacitation. General deterrence is dissuading would-be criminals from committing crimes. Specific deterrence is reducing the likelihood that convicted offenders will commit subsequent crimes. Incapacitation keeps the convicted person away from society.

The fifth goal concerns opportunities for the rehabilitation of offenders. The 1999 Legislature added a seventh goal: *to reduce the risk of re-offending by offenders in the community.* Both goals address public safety by focusing on reducing the likelihood of criminal activity once the offender is back in the community. The sixth goal emphasizes the value of using taxpayer money efficiently to accomplish the sentencing goals.

Clearly, the goals of justice, frugal resource use, and public safety can sometimes conflict. For example, the legislature may implement the justice goal by requiring long and costly prison sentences for certain serious crimes, even though these convicted felons may have a low likelihood of re-offending. On the other hand, the justice concept could establish relatively short sentences for less serious crimes, even though these offenders may be at high risk for committing new offenses.

Exhibit 1 illustrates this paradox between offense seriousness recidivism rates. Offenders with the least serious offenses, Levels I to IV, have the

Exhibit 1
Two-Year Felony Recidivism Rates by SRA Offense Seriousness Levels and Offender Score

---
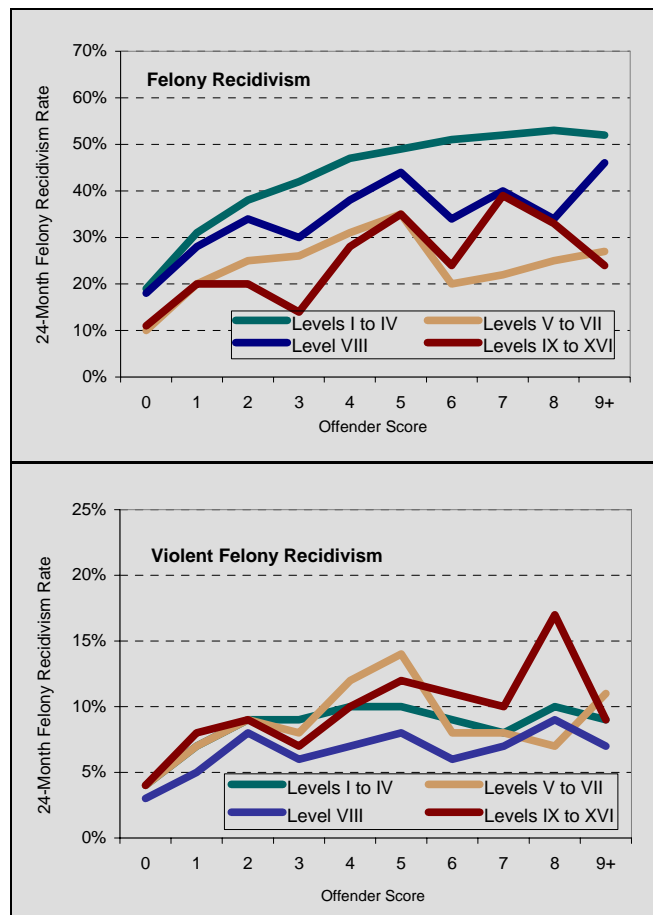
[3] The 1999 Legislature modified the sixth condition by adding the phrase "and local governments" to the original SRA language.

2

highest two-year felony recidivism rates, while offenders with the most serious offenses, Levels IX to XVI, have the lowest rates. These results are consistent for all Offender Scores; higher Offender Scores indicate a more extensive criminal history.

REPORT ORGANIZATION

This report is organized into five sections.

Section I describes state trends in offender recidivism from 1986 to 2000.

Section II estimates the impact of going to prison on offenders' recidivism rates.

Section III evaluates the effectiveness of the two legislatively established sentencing alternatives that judges are allowed to impose.

Section IV estimates the impact of length of time in prison on recidivism.

Section V utilizes a risk for re-offense estimate to determine if offenders recently sentenced to prison have low risk levels.

DEFINITIONS

Recidivism is a conviction for an offense committed after placement in the community. For offenders sentenced to prison or jail, placement in the community occurs at the time of release from confinement. For offenders sentenced to community supervision, it occurs at the time of sentencing. Adequately measuring recidivism for adult offenders requires at least a 24-month follow-up period for re-offending and another 12-month period to allow for re-offenses to be formally adjudicated.[4]

Offenders are classified into mutually exclusive groups by the most serious felony offense resulting in a conviction. The order of seriousness is as follows: murder, sex, robbery including kidnapping, assault including weapon offenses, property, and drug offenses. The violent offender group includes those convicted of assault, sex, robbery, and murder.

---

[4] This report follows the recidivism definition outlined in *Standards for Improving Research Effectiveness in Adult and Juvenile Justice* (Olympia: Washington State Institute for Public Policy, December 1997).

Drug, property, and violent felony offenders are separately examined in each section. In addition, the four types of violent offenders are also analyzed separately.

SECTION I: EXAMINING TWO-YEAR FELONY RECIDIVISM RATES

Trends in Recidivism: We are first interested in knowing whether recidivism rates have been increasing or decreasing since implementation of the SRA. To investigate this question, we measure the two-year recidivism rates for annual cohorts of offenders placed in the community.

Exhibit 2 displays trends in these two-year felony and violent felony recidivism rates. The felony recidivism rates for drug and property offenders have been increasing since 1986. The felony recidivism rates of violent offenders increased steadily until 1996 before declining. The violent felony recidivism rates have remained fairly constant for drug and property offenders but have increased for violent offenders.

Exhibit 2
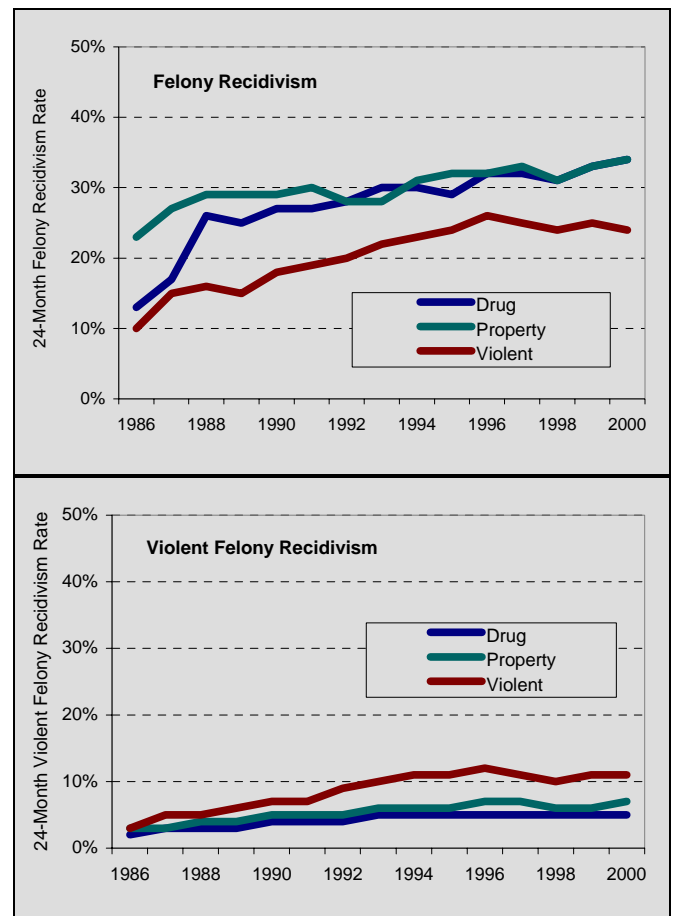**Trends in Two-Year Felony Recidivism Rates For Annual Cohorts of Offenders**

Exhibit 3 displays the trends in two-year felony and violent felony recidivism rates for persons convicted of violent felony offenses. The felony and violent felony recidivism rates for all four types of violent offenders have increased. Recidivism of assault offenders has increased the most, and assault offenders comprise 56 percent of the violent offender sample. Those convicted of robbery have the highest rates, while those convicted of a sex offense have the lowest.

Exhibit 3
Trends in Two-Year Felony Recidivism Rates by Type of Violent Offender
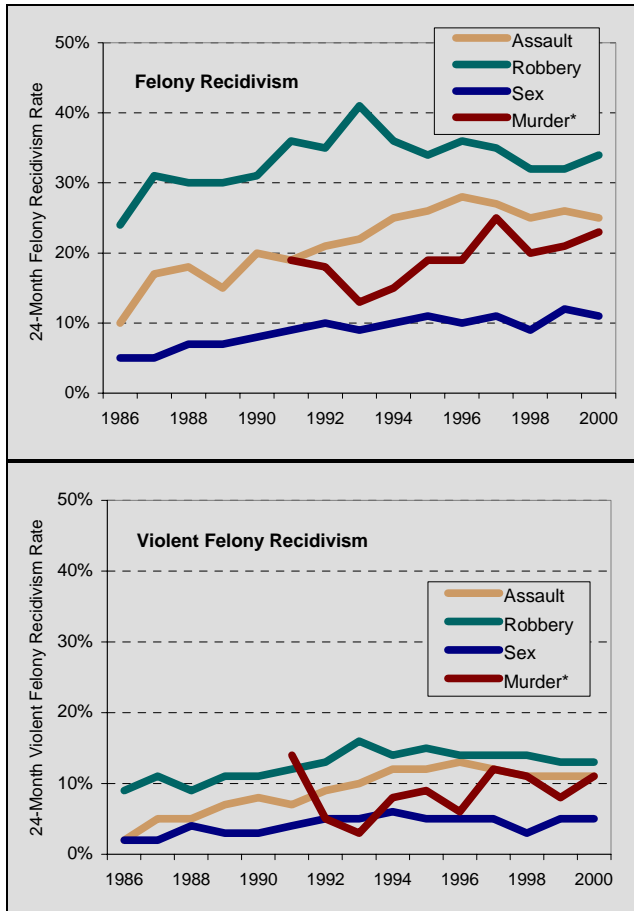
* Only a small number of murderers sentenced under the SRA were released from prison prior to 1991.

Types of Recidivism: Exhibit 4 presents the types of recidivism offenses. Because an offender can re-offend in more than one category, total recidivism is greater than the sum of the individual types.

Exhibit 4a reveals that 20 out of 29 drug offenders who recidivate do so for drug offenses. Twenty out of 30 property offenders who recidivate do so for property offenses. Violent offenders are equally likely to commit a drug, property, or violent offense. Violent offenders have the highest violent felony recidivism rate.

Exhibit 4a
Two-Year Felony Recidivism Rates by Offender Group

TYPE OF FELONY RECIDIVISM	DRUG (N=60,322)	PROPERTY (N=92,897)	VIOLENT (N=47,691)
Total	**29%**	**30%**	**22%**
Drug	20%	8%	7%
Property	7%	20%	8%
Violent	4%	5%	9%
Assault	2%	2%	5%
Robbery	1%	1%	2%
Sex	0%	1%	1%
Murder	0%	0%	0%

An examination of recidivism for violent offenders in Exhibit 4b reveals that, of this group, sex offenders have the lowest two-year felony recidivism rate, although they have the highest sex offense recidivism rate (2 percent). Robbery offenders have the highest felony and violent felony recidivism rates.

Exhibit 4b
Two-Year Felony Recidivism Rates by Type of Violent Offender

TYPE OF FELONY RECIDIVISM	ASSAULT (N=26,820)	ROBBERY (N=8,834)	SEX (N=10,485)	MURDER* (N=576)
Total	**24%**	**34%**	**9%**	**19%**
Drug	7%	11%	2%	6%
Property	8%	14%	3%	5%
Violent	10%	13%	4%	9%
Assault	7%	6%	2%	4%
Robbery	1%	5%	0%	1%
Sex	1%	1%	2%	1%
Murder*	0%	1%	0%	1%

* Some homicide offenses, such as manslaughter, are excluded.

Risk Levels: The Institute recently completed a study of the Level of Service Inventory-Revised (LSI-R), the risk assessment instrument currently used by the Department of Corrections (DOC).[5] In that study, an enhanced risk classification scheme was proposed. This proposed scheme combines LSI-R results with additional demographic and criminal history data; it was shown to be a better predictor of felony and violent felony recidivism for Washington State offenders.

Exhibit 5 applies this proposed scheme to the recidivism findings, examining the 24-month felony and violent felony recidivism rates for the four

---

[5] Robert Barnoski, *Washington's Offender Accountability Act: An Analysis of the Department Of Corrections' Risk Assessment* (Olympia: Washington State Institute for Public Policy, December 2003).
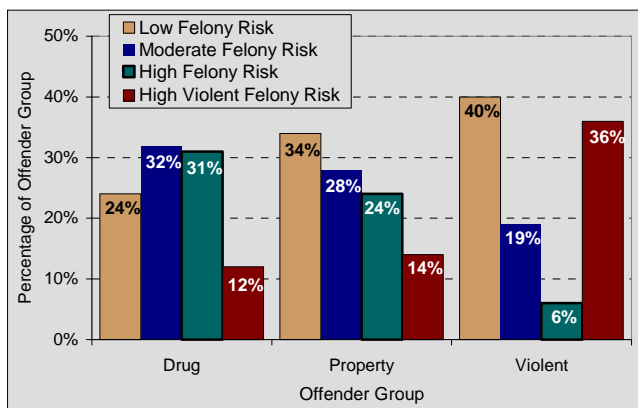
levels.[6] The classification accurately identifies low-risk offenders, since their felony recidivism rate is 7 percent and their violent felony rate is 2 percent. It identifies offenders with a high felony recidivism rate (43 percent) but a lower violent felony recidivism rate (6 percent). It also identifies offenders with the highest violent recidivism rate of 17 percent.

Exhibit 6b shows that the assault and robbery violent offender groups include a higher portion of high-violent-risk levels and the sex and murder groups have a high percentage of low-risk levels. This grouping of offenders explains why the violent offender group is either low risk (sex and murder) or high violent risk (assault and robbery).

Exhibit 5
24-Month Felony Recidivism Rates by Proposed Risk Classification Scheme

Exhibit 6b
Percentage Distribution of Proposed Risk Classification by Type of Violent Offender
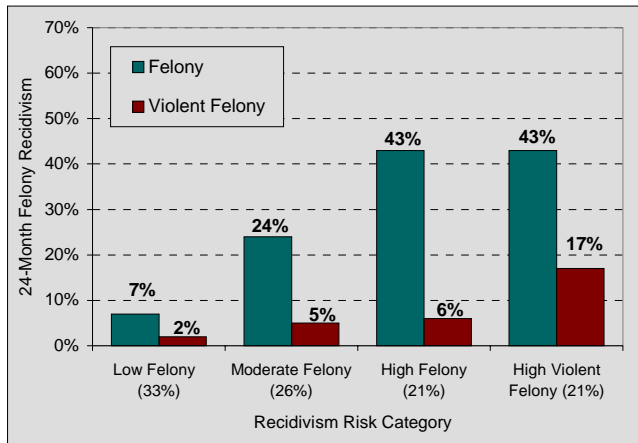
In addition, Exhibit 6a shows the percentage distribution of the proposed risk classification levels for recently sentenced offenders.[7] The drug and property offender groups include 24 and 34 percent low-risk offenders and 12 and 14 percent high-violent-risk offenders. Violent offenders tend to be either low risk (40 percent) or high-violent-risk (36 percent) offenders.

Recidivism Conclusions: In general, recidivism rates have been rising over the last several years for all groups of offenders in Washington. Drug offenders tend to recidivate for drug offenses, property offenders for property offenses, and violent offenders recidivate equally for drug, property, and violent offenses. Sex offenders have the lowest two-year felony recidivism rate.

A proposed risk classification scheme can accurately identify low-risk offenders, as well as offenders at high risk for felony and violent felony re-offending.

Exhibit 6a
Percentage Distribution of Proposed Risk Classification by Offender Group

SECTION II: ESTIMATING THE IMPACT OF PRISON ON RECIDIVISM

This section estimates the *effect of imprisonment on recidivism* by comparing the recidivism rates of offenders sentenced to prison with a similar group not sentenced to prison. Because it is not possible to test this relationship by randomly assigning the offenders to prison or to the community, statistical methods must be used. We use three methods commonly used in research,[8] each offering strengths
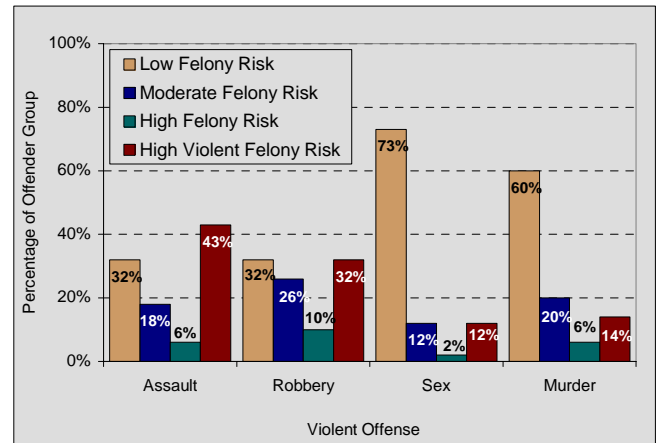
---

[6] The sample for measuring recidivism consists of offenders placed in the community between January 1999 and June 2000.
[7] This sample consists of offenders sentenced between 2000 and 2003.

[8] Similar methods were employed in the Institute's drug court evaluation: Robert Barnoski and Steve Aos, *Washington State's Drug Courts for Adult Defendants: Outcome Evaluation and Cost-Benefit Analysis* (Olympia: Washington State Institute for Public Policy, March 2003).

and weaknesses. Through this combination of methods, our confidence in the findings is increased.

(1) The first method creates comparison groups of offenders who were not sentenced to prison in the past but under the current statutes would go to prison.

(2) The second method uses multivariate statistical techniques to estimate the impact of prison on recidivism using statistical controls for differences between those who did and did not go to prison.

(3) The third method involves matching offenders who did go to prison with offenders who did not, using key characteristics that are strongly associated with recidivism.

Method 1—Comparison Groups: This method takes advantage of changes over time to identify groups of offenders who did not go to prison in the past but would today. It involves three steps:

(1) Developing equations that determine which offenders are sentenced to prison versus community supervision based on a sample of recently sentenced offenders: those sentenced between January 1, 2000, and December 31, 2003.[9] These analyses include the SRA Offense Seriousness Level and Offender Score, as well as age, gender, and other variables describing offender criminal history.

(2) Using the resulting equations to identify offenders sentenced in the past who would go to prison today. The comparison groups are offenders predicted to be imprisoned but were not; the imprisonment groups are offenders predicted to be imprisoned and were.

(3) Comparing the recidivism rates of these two groups of offenders to estimate how going to prison impacts felony recidivism rates.

Property offender illustration: The methodology is illustrated for property offenders. Exhibit 7 shows the accuracy of the equation developed to determine imprisonment for property offenders sentenced from 2000 to 2003. Of 3,332 offenders predicted to go to prison,[10] 93 percent were imprisoned. Of 19,550 not predicted to be imprisoned, 96 percent were not imprisoned. This is a very accurate prediction model.[11]

---

[9] A multivariate statistical technique called logistic regression is used to predict being sentenced to prison.
[10] Offenders with a predicted imprisonment probability of at least 0.6 are predicted to go to prison.
[11] The measure of association between predicted and actual imprisonment is called the Area Under the Receiver-Operator Characteristic (AUC). The AUC for property offender imprisonment is .98, which is excellent. An AUC of .70 is considered very good.

Exhibit 7
Accuracy of the Equation Predicting Imprisonment for Property Offenders Sentenced from 2000 to 2003

	PREDICTED IMPRISONMENT		
	YES	NO	TOTAL
Number of Offenders	3,332	19,550	22,882
Percent Not Imprisoned	7%	96%	83%
Percent Imprisoned	93%	4%	17%
Percent of Total	15%	85%	100%

The equation is now applied to all property offenders sentenced since 1986. Exhibit 8 plots the percentage of those predicted to go to prison, who actually did and did not go to prison, by year of sentence. Sentencing policies for property offenders have changed in Washington; the percentage of offenders predicted to be imprisoned, who were not imprisoned, decreased from 91 percent in 1986 to 31 percent in 1988. These offenders form the comparison group.

Since 1989, the percentage of offenders predicted to be imprisoned who were actually imprisoned has remained above 90 percent. The imprisonment group consists of offenders predicted to be, and were, imprisoned from 1989 to 1991. This group is closest in time to the comparison group.

Exhibit 8
Percentage of Property Offenders Predicted to Be Imprisoned Who Actually Were Imprisoned
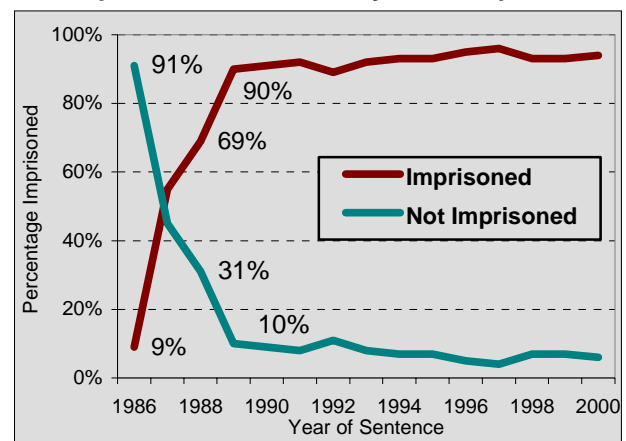

Exhibit 9 compares the 24-month felony recidivism rates of the two groups of offenders predicted to be imprisoned. The actual recidivism rate for those sentenced to prison from 1989 to 1991 is 47 percent compared to 32 percent for those not sentenced to prison from 1986 to 1988.

As a next step, multivariate analysis is used to statistically control for any systematic differences between these two groups.[12] These analyses produce the adjusted recidivism rates in Exhibit 9.

Exhibit 9
24-Month Felony Recidivism Rates of Offenders Predicted to Be Imprisoned
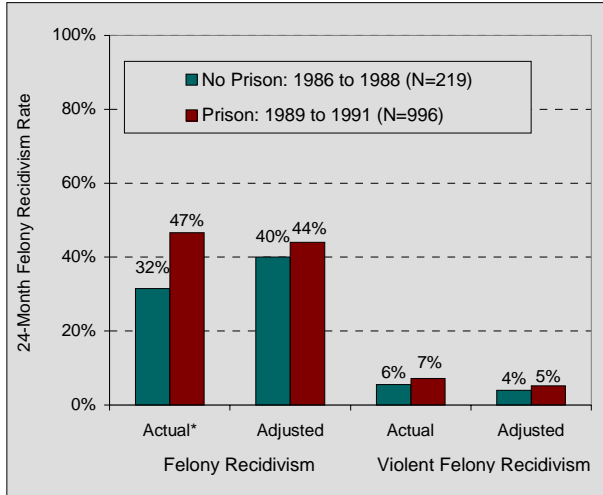
* Statistically significant difference (p<.05)

The adjusted recidivism rates are smaller than the actual rates, because offenders imprisoned from 1989 to 1991 are higher risk, having more criminal history than those not imprisoned from 1986 to 1988. The logistic regression reduces this difference to provide a more accurate reflection of the impact of prison on recidivism. The small difference between the adjusted felony recidivism rates is not statistically significant.

These results imply that a prison sentence for property offenders neither reduces nor increases recidivism.

Applying the property offender comparison group methodology to the other offender categories: The comparison group methodology just illustrated for property offenders is now repeated for each offender group.[13] The prediction equations were developed using data for offenders sentenced between 2000 and 2003. Those predicted to be imprisoned have a prediction equation probability of a prison sentence of at least 0.6.

---

[12] Logistic regression including these independent variables in addition to the imprisonment variable: SRA Offense Seriousness Level, Offender Score, age, gender, and variables describing offender criminal history.
[13] Murder is excluded because of the small number of murderers sentenced under the SRA in these years.

Exhibit 10 illustrates the accuracy level of the equations that predict a prison sentence.

Exhibit 10
Percent of Offenders Predicted to Be Imprisoned and Were

OFFENDER GROUP	CORRECTLY PREDICTING A PRISON SENTENCE	AUC[14]
Drug	93%	0.98
Property	94%	0.98
Violent	87%	0.92
Assault	96%	0.96
Robbery	97%	0.97
Sex	89%	0.81

Of those offenders predicted to be imprisoned, at least 87 percent were, in fact, imprisoned. The AUCs for all equations, except sex offenders, exceed .90, which indicates a very accurate prediction.

Exhibit 11 shows the percentage of those predicted to go to prison who actually went to prison by the sentencing year. The percentage sentenced to prison changed between 1986 and 1989. The comparison groups consist of offenders predicted to be imprisoned yet were not from 1986 to 1988. The prison groups are those predicted to be imprisoned from 1989 to 1991 and were. Since 1989, the percentage of offenders predicted to be imprisoned and were imprisoned has remained constant for all offender groups.

Exhibit 11
Percentage of Offenders Predicted to Be Imprisoned and Were Imprisoned by Offender Group and Type of Violent Offender

SENTENCE YEAR	PREDICTED TO BE IMPRISONED AND WERE IMPRISONED					
	DRUG	PROPERTY	VIOLENT	ASSAULT	ROBBERY	SEX
1986	3%	9%	18%	8%	40%	12%
1987	6%	55%	60%	60%	68%	33%
1988	12%	69%	73%	78%	79%	61%
1989	84%	90%	83%	81%	91%	83%
1990	84%	91%	84%	90%	97%	87%
1991	83%	92%	81%	91%	94%	82%
1992-2000	92%	93%	88%	93%	96%	88%

---

[14] See Footnote 11.

Exhibit 12 presents the sample sizes of these comparison and prison groups. Few offenders are in the 1986–1988 non-prison groups because most offenders predicted to go to prison during this period actually went to prison. The small size of the comparison group diminishes the ability of this methodology to accurately estimate the impact of prison on recidivism.

<div align="center">

Exhibit 12
**Offenders Predicted to Be Imprisoned
1986–1991 vs. 1989–1991 Groups**

OFFENDER GROUP	NUMBER OF OFFENDERS NOT SENTENCED TO PRISON 1986–1988	NUMBER OF OFFENDERS SENTENCED TO PRISON 1989–1991	PERCENT SENTENCED TO PRISON
Drug	3,685	925	20.1%
Property	219	996	82.0%
Violent	148	915	86.1%
Assault	49	318	86.6%
Robbery	54	520	90.6%
Sex	87	139	61.5%

</div>

The number of offenders in the 1986–1988 drug offender group is an exception. There was a change in the Seriousness Level classification of drug offenses in 1989. Since 1989, most drug offenders have Seriousness Levels II and III. Prior to 1989, a high percentage of drug offenders had offenses classed as a Seriousness Level VI. As a result, most drug offenders were predicted to be imprisoned from 1986 to 1989. This redefinition of Seriousness Level invalidates the use of this methodology for drug offenders.[15]

Multivariate statistical analyses of recidivism are performed for property and violent offenders. The sample sizes are too small to separately analyze types of violent offenders (assault, robbery, and sex). Exhibit 13 shows that violent, but not property, offenders sentenced to prison may have an increased likelihood of re-offending after being released.

The comparison group method finds that a prison sentence does not reduce felony recidivism for property and violent offenders and may increase it for violent offenders.

<div align="center">

Exhibit 13
**Adjusted 24-Month Felony Recidivism Rates
Comparison vs. Prison Groups**

OFFENDER GROUP	NOT SENTENCED TO PRISON 1986–1988	SENTENCED TO PRISON 1989–1991	DIFFERENCE
Drug	n/a	n/a	n/a
Property	40.4%	44.0%	+3.6%
Violent	14.5%	25.9%	+11.3%*

</div>

* Statistically significant difference (p<.05).

Method 2—Statistical Controls: The second method for estimating the impact of imprisonment on recidivism uses multivariate techniques to statistically control for systematic differences between those who did and did not go to prison.[16]

These analyses are repeated for two samples of offenders:

- Total Since 1986: All offenders sentenced under the SRA since 1986.

- Predicted Prison Sentence Since 1986: All offenders sentenced under the SRA since 1986 who are predicted to be imprisoned. This restriction is added to increase the similarity of offenders in the prison and no prison groups.[17]

---

[15] From 1986 to 1989, 72 percent of the drug offenses were Seriousness Level VIII. From 1989 to 1991, only 6 percent were Level VIII, while 70 percent were Level II and III. The high percentage of Level VIII offenses caused the drug imprisonment equation to predict that most 1986 to 1989 offenders would go to prison. The same drug statute, RCW 69.50.401, was recorded for Level VIII, II, and III offenses, so it is impossible to re-classify these offenses to today's Seriousness Levels.

[16] Logistic regression is used to predict felony recidivism.
[17] Because of different Seriousness Levels definitions for drug offenders during 1986 to 1988, the predicted prison sample for drug offenders starts with those sentenced in 1989.

Exhibit 14 shows the sample sizes of the study groups. There are large numbers of offenders in the total study samples since 1986. However, by restricting the samples to those predicted to go to prison, the sample sizes shrink considerably. This small sample is the trade-off of having prison and comparison groups that are more closely matched.

Exhibit 14
**Sample Sizes of Offender Groups for
Logistic Regression Analyses**

OFFENDER GROUP	STUDY GROUP	STUDY SAMPLES	
		TOTAL SINCE 1986	PREDICTED PRISON SENTENCE SINCE 1986
Drug	No Prison	49,044	842
	Prison	11,278	8,665
	Total	60,322	9,507
Property	No Prison	82,915	727
	Prison	9,982	7,074
	Total	92,897	7,801
Violent	No Prison	32,889	1,289
	Prison	14,802	8,364
	Total	47,691	9,653
Assault	No Prison	21,310	337
	Prison	5,510	3,788
	Total	26,820	4,125
Robbery	No Prison	4,815	188
	Prison	4,019	3,467
	Total	8,834	3,655
Sex	No Prison	6,406	301
	Prison	4,079	931
	Total	10,485	1,232

Exhibit 15 summarizes the results of the logistic regression analyses. The exhibit displays the differences in the adjusted felony recidivism rates between the prison and no prison groups. All differences are positive, indicating that the prison group recidivism rates are higher than the no prison group rates. These differences are statistically significant except for the sex offenders in the Predicted Prison Sentence Since 1986 sample.

Exhibit 15
**Percentage Point Change in Adjusted
Felony Recidivism Rates Between
No Prison and Prison Groups**

OFFENDER GROUP	PERCENTAGE POINT CHANGE IN ADJUSTED FELONY RECIDIVISM RATES	
	TOTAL SINCE 1986	PREDICTED PRISON SENTENCE SINCE 1986
Drug	+5.9%*	+11.8%*
Property	+8.7%*	+11.8%*
Violent	+8.2%*	16.5%*
Assault	+8.6%*	+12.7%*
Robbery	+11.9%*	+15.5%*
Sex	+4.1%*	+3.5%

* Statistically significant difference (p<.05).

These results coincide with the conclusions from Method 1: imprisonment does not reduce recidivism and may increase it.

Method 3—Offender Matching: The third method for estimating the impact of prison on recidivism involves matching offenders who did not go to prison with offenders who did, using key characteristics.[18] These characteristics include gender, minority status (white vs. non-white), and age (within one year) when placed in the community. In addition, two risk prediction measures, Felony Recidivism Risk Probability and Violent Felony Recidivism Risk Probability, were developed for each offender group for use in this matching. These risk measures vary between 0.0 and 1.0, and offenders were identically matched within a decimal place on these two risk measures.

---

[18] The classification scheme based on the LSI-R cannot be used because LSI-R data is not available before 1999. However, the LSI-R validation study identified other variables that are strongly associated with recidivism.

The matching approach is repeated for four samples of offenders:

- Total Since 1986: All offenders sentenced under the SRA since 1986.

- Predicted Prison Since 1986: Offenders with predicted prison sentences since 1986.

- Predicted Prison 1986–1988 vs. 1989–2000: Offenders with predicted prison sentences in 1986–1988 who were not sentenced to prison matched with 1989–2000 offenders who were.

- Predicted Prison 1986–1988 vs. 1989–1991: Offenders with predicted prison sentences in 1986–1988 who were not sentenced to prison matched with 1989–1991 offenders who were.

Exhibit 16 shows the sample sizes for each offender group. A small number of offenders are in the 1986–1988 samples for violent offenders, particularly when we examine the three types of violent offenders. These small samples reduce the representativeness of the results for each violent offender type.

Logistic regression is used with the matched samples to further statistically control for any systematic differences between the prison and no prison groups.

Exhibit 17 displays the results of the logistic regression analyses; this analysis reveals the difference in the adjusted recidivism rates between the prison and no prison matched offender groups. The differences are positive when the adjusted recidivism rates for the prison groups are higher than those of the no prison groups. In three instances, the differences are negative (the rate for those sentenced to prison is less than for those not sentenced to prison), but these differences are not statistically significant.

Exhibit 17
Percentage Point Change in Adjusted Felony Recidivism Rates Between Matched Prison and No Prison Groups

| | | PREDICTED PRISON | | |
| | | | 1986–1988 VS. | 1986–1988 VS. |
OFFENDER GROUP	SINCE 1986	SINCE 1986	1989–2000	1989–1991
Drug	+4.1%*	+8.3%*	n/a	n/a
Property	+8.1%*	+9.9%*	-7.3%	+3.4%
Violent	+8.4%*	+6.3%*	-1.0%	+7.7%
Assault	+8.9%*	+11.9%*	+28.9%*	+5.9%*
Robbery	+12.5%*	+24.0%*	+16.2%	+18.6%
Sex	+3.5%*	+4.4%	+4.0%	-1.9%

* Statistically significant difference.

These results coincide with the results for methods 1 and 2 and indicate that prison does not reduce recidivism and may increase it.

Impact of Going to Prison on Recidivism Conclusions: Three different methodologies were used to estimate the impact of going to prison on recidivism. The results consistently indicate that prison does not reduce felony recidivism, and may increase it by 5 to 10 percentage points.

Exhibit 16
Sample Sizes for Offender Groups From Matching Offenders Sentenced to Prison vs. Those Not Sentenced to Prison

		MATCHED PRISON VS. NO PRISON GROUPS			
			PREDICTED PRISON		
				1986-1988 VS.	1986-1988 VS.
OFFENDER GROUP	STUDY GROUP	SINCE 1986	SINCE 1986	1989–2000	1989–1991
Drug	No Prison	11,020	821	n/a	n/a
	Prison	11,020	821	n/a	n/a
	Total	22,040	1,642	n/a	n/a
Property	No Prison	9,464	705	214	180
	Prison	9,464	705	214	180
	Total	18,928	1,410	428	360
Violent	No Prison	13,791	1,249	147	130
	Prison	13,791	1,249	147	130
	Total	27,582	2,498	294	260
Assault	No Prison	4,974	319	49	43
	Prison	4,974	319	49	43
	Total	9,948	638	98	86
Robbery	No Prison	3,093	182	53	47
	Prison	3,093	182	53	47
	Total	6,186	364	106	94
Sex	No Prison	3,661	263	80	52
	Prison	3,661	263	80	52
	Total	7,322	526	160	104

SECTION III: SENTENCING ALTERNATIVES

Washington sentencing law allows the courts to order two types of sentencing alternatives:[19]

- First-time Offender Waiver
- Special Sex Offender Sentencing Alternative

First-time Offender Waiver: This alternative (FTOW) is designed for offenders with no previous felony convictions or deferred prosecutions who are not currently convicted of a violent or serious drug felony. Under this sentencing option, the court can order special conditions and require participation in rehabilitation programs for up to two years.[20] To determine if the FTOW is used as an alternative to a prison sentence, we analyzed a recent sample: the 8,235 offenders receiving an FTOW between 2000 and 2003. Ninety-one percent of the FTOWs had a guideline sentence other than prison. That is, FTOW functions not as an alternative to prison. Instead, it is an enhancement to standard community supervision.

Exhibit 18 shows a declining trend in the percentage of sentences that result in a FTOW. As of 2003, FTOW accounted for 7 percent of all sentences.

Exhibit 18
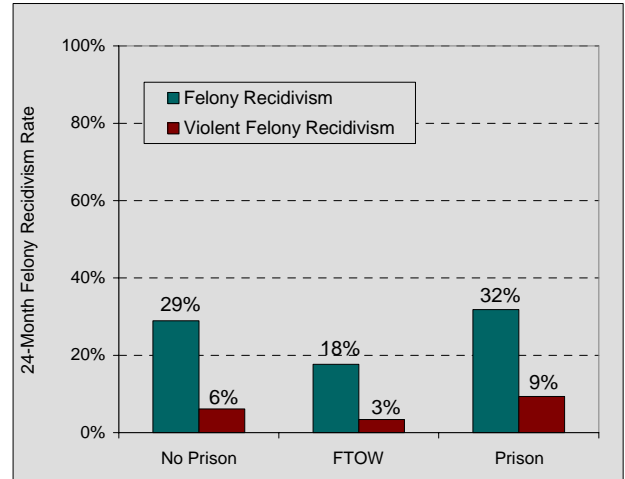**Trends in FTOW Sentences as a Percent of Total Sentences For Offender Groups**
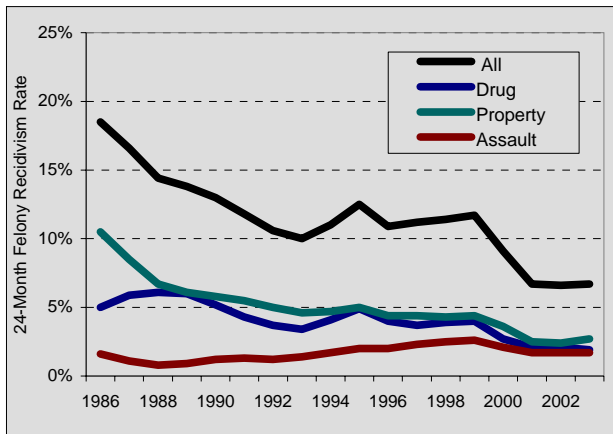
Exhibit 19 shows that the felony recidivism rate for those given an FTOW is lower than the rate for those offenders sentenced to a prison or to a non-prison sentence.

Exhibit 19
**24-Month Felony Recidivism Rates of FTOW Offenders**

* Differences among the three groups of offenders are statistically significant (p<.05).

Special Sex Offender Sentencing Alternative: This alternative (SSOSA) is a suspended sentence for those convicted of certain sex offenses that may include a jail term of up to six months and requires treatment. Offenders with a record of certain offenses are excluded, and only those with a standard range of less than 11 years of confinement can be included. Finally, only offenders professionally assessed as amenable to treatment are reviewed by the court for a SSOSA.[21]

Exhibit 20 shows that 26 percent of all felony sex offenders sentenced from 2000 to 2003 were SSOSAs, while 54 percent were sentenced to prison.[22] Only 20 percent did not receive a prison sentence. Unlike FTOW, SSOSA functions as an alternative to a prison sentence.

Exhibit 20
Percentage Distribution of Sentences for Felony Sex Offenders Sentenced From 2000 to 2003

---
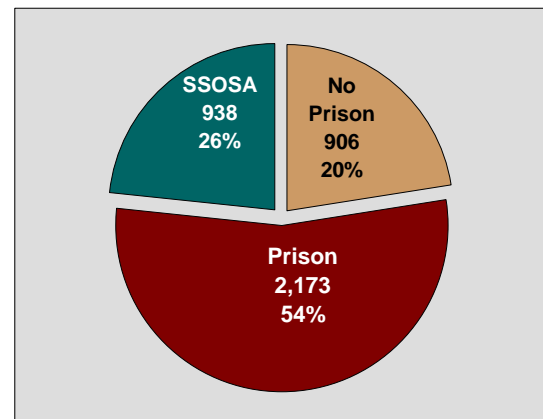
[19] Another sentencing alternative, the Drug Offender Sentence Alternative (DOSA), is the subject of a separate Institute study due December 2004.
[20] RCW 9.94A.650.

[21] Chapter 176, Laws of 2004, changes the SSOSA sentencing conditions with an effective date of July 1, 2005.
[22] A sex offender is an offender with a felony sex offense conviction or a felony conviction with a sexual motivation finding according to the DOC database.

Exhibit 21 shows that the number of felony sex offenders sentenced in Washington State has been decreasing since 1986. In addition, the percentage of those felony sex offenders who are sentenced to SSOSA is also decreasing.

Exhibit 21
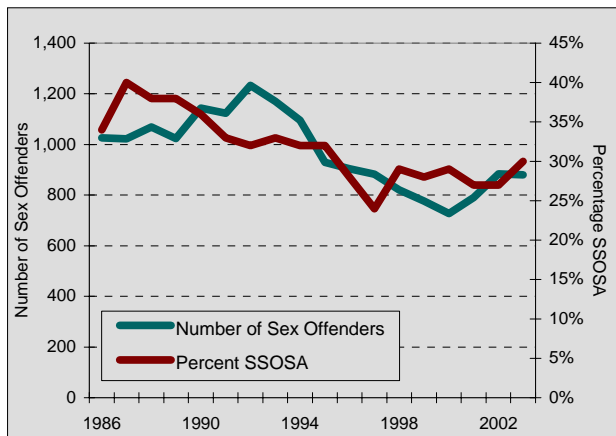**Trends in SSOSA Sentences as a Percent of Total Sex Offender Sentences**

Exhibit 22 shows that the number of SSOSA sentences remained fairly constant at about 400 between 1987 and 1994, then started to drop until leveling out at about 200 cases since 1997. Between 1986 and 1994 the percentage of SSOSAs revoked climbed from 15 to 29 percent. Since 1994, the revocation rate has been dropping, reaching 20 percent in 2002.

Exhibit 22
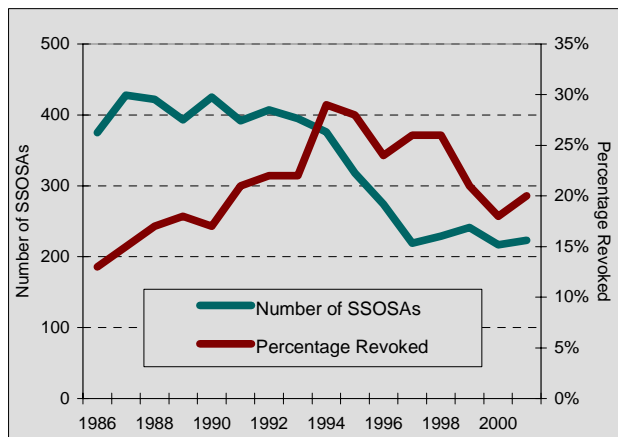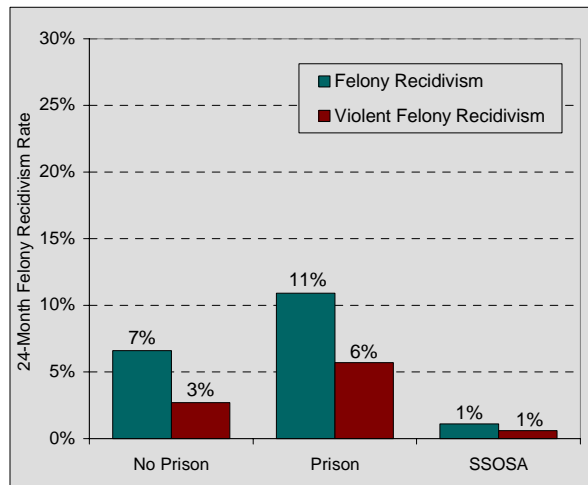**Trends in Number of SSOSA Sentences and Percentage Revoked**

Exhibit 23 shows that the felony recidivism rate for those given a SSOSA is lower than for felony sex offenders sentenced to prison or to a non-prison sentence.[23] Differences in recidivism among the three groups of offenders are statistically significant ($p<.05$).

Exhibit 23
24-Month Felony Recidivism Rates of Sex Offenders

FTOW and SSOSA Sentencing Alternatives Conclusions: The felony recidivism rate for those given an FTOW is lower than for those sentenced to a prison or non-prison sentence. Since 1986, the percentage of offenders sentenced to FTOW has been decreasing. As currently defined, the FTOW is not an alternative to prison.

The felony recidivism rate for those given a SSOSA is lower than for felons sentenced to a prison or non-prison sentence. Since 1986, the percentage of felony offenders sentenced to SSOSA has been decreasing. Unlike FTOW, SSOSA is an alternative to a prison sentence, and, in theory, a greater proportion of SSOSA sentences for felony sex offenders could reduce prison populations. SSOSA sentences, however, became a subject of legislative attention in 2004 due to concerns that this option is inappropriate for many sex offenders; the 2004 Legislature restricted eligibility and imposed more judicial oversight.[24]

---

[23] SSOSAs that were revoked are excluded from the recidivism calculations because their time at risk is reduced by the time spent imprisoned following the revocation.

[24] Chapter 176, Laws of 2004, changes the SSOSA sentencing conditions with an effective date of July 1, 2005.

SECTION IV: IMPACT OF TIME IN PRISON ON RECIDIVISM

The previous sections have focused on the decision to sentence an offender to prison. This section estimates, for offenders sentenced to prison, the *impact* that length of *time in prison* has on *recidivism*.

The length of time in prison depends on:

- Length of the prison sentence, and

- Amount of early release time earned for good prison behavior.

This section first examines the impact of the actual length of time spent in prison and then analyzes the impact of earned release time on recidivism. The sample for these analyses includes all offenders sentenced to prison under the SRA who were released to a Washington community between 1986 and 2000.

Exhibit 24 shows that offenders with higher Offense Seriousness Levels have lower recidivism rates, and offenders with higher Offender Scores have higher recidivism rates. That is, the two factors that determine sentence length have opposite relationships with felony recidivism.

Exhibit 24
Association Between 24-Month Felony Recidivism: SRA Seriousness Level and Offender Score

Exhibit 25 displays the relationship between length of time incarcerated and felony recidivism for all prison offenders. The decreasing felony recidivism rates associated with increasing months in prison is confounded by the opposing influences of Offense Seriousness Level and Offender Score.

Exhibit 25
Association Between 24-Month Felony Recidivism and Months in Prison for All Offenders Released From Prison Between 1986 and 2000
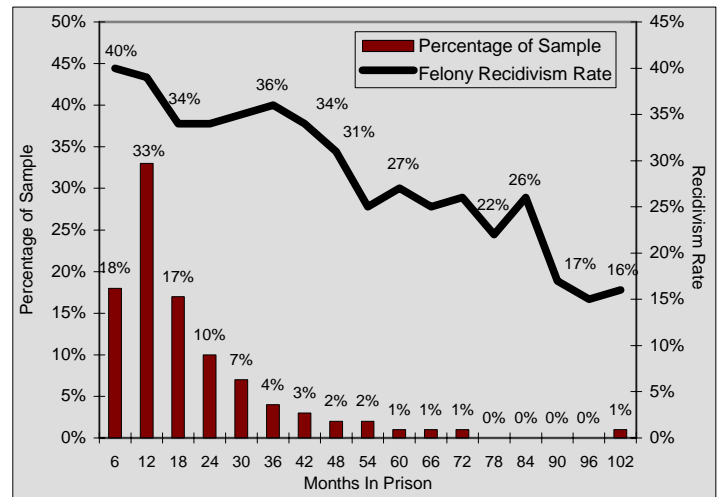
The only way to overcome this confounded relationship is to estimate the impact of prison time on recidivism using a multivariate statistical technique. We use these procedures to statistically control for systematic differences between offenders with varying sentence lengths.

The results of these multivariate analyses are presented separately for drug, property, and violent offenders. The sample consists of offenders released from prison between 1986 and 2000. Three statistics are given to describe offenders who are grouped by six-month increments of months in prison:[25]

- Percentage of offenders who spent that number of months in prison;

- Actual 24-month felony recidivism rates; and

- Adjusted felony recidivism from the multivariate analysis. These adjusted rates estimate the impact of the length of imprisonment on recidivism and are less confounded by systematic differences between offender groups with different lengths of stay.[26] Although months in prison is a continuous variable in the logistic regression, the exhibits display imprisonment in six month increments.

---

[25] Six-month increments include a sufficient number of offenders to calculate recidivism rates.

[26] These calculations use the total sample means of the variables included in the logistic regression to adjust the recidivism rates for differences in the characteristics of offenders within each period of incarceration.

Drug Offenders: Exhibit 26 displays three statistics for drug offenders released between 1986 and 2000.

Twenty percent of the drug offenders spent up to six months imprisoned, 31 percent between 6 and 12 months, and another 21 percent from 12 to 18 months. That is, 72 percent of drug offenders spent up to 18 months incarcerated.

The actual recidivism rates start at 36 percent for those imprisoned for 6 months and reach a peak of 41 percent for 36- and 42-month imprisonments.

Exhibit 26
Months in Prison for Drug Offenders
Released From Prison Between 1986 and 2000
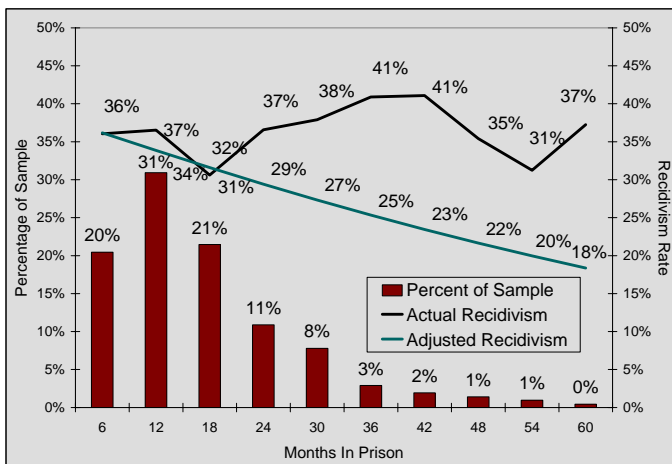
The adjusted recidivism rates range from 36 percent for those imprisoned up to six months to 18 percent for those imprisoned up to 60 months, approximately a 2 percentage point decrease in felony recidivism for every additional six months in prison.

Property Offenders: Exhibit 27 displays the same information for property offenders. Seventy-two percent of property offenders sentenced to prison stay up to 18 months. The actual recidivism rates decrease from 49 percent for those with a 6-month stay, to 44 percent for those incarcerated for 30 months, before increasing to 51 percent for those with a prison stay of 42 months. The adjusted recidivism rates decrease by 1 percentage point for every additional six months in prison.
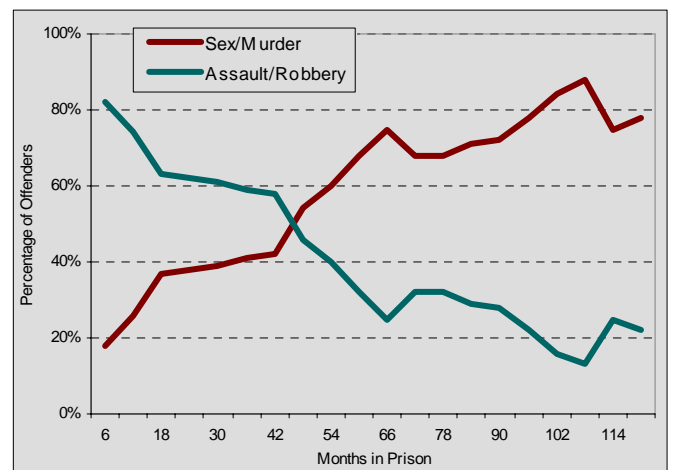
Exhibit 27
Months in Prison for Property Offenders
Released From Prison Between 1986 and 2000
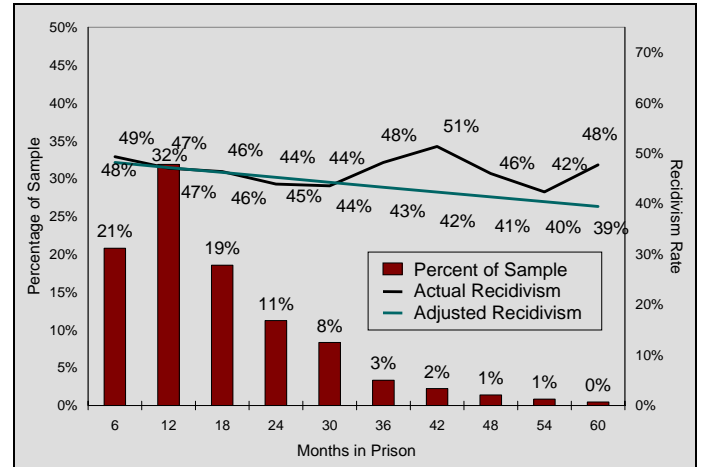
Violent Offenders: The recidivism analyses of violent offenders presented in Section I indicated that assault and robbery offenders have much higher recidivism rates than sex and murder offenders, while sex offenders and murderers have longer prison sentences.

Exhibit 28 shows how the percentage of violent offenders who were sentenced for a sex or murder offense increases dramatically with sentence length, while the percentage of violent offenders sentenced for an assault or robbery decreases. The sex and murder offenders account for less than 20 percent of those who spent up to 6 months in prison but over 70 percent of those who spent over 60 months in prison.

Exhibit 28
Violent Offenders: Type of Violent Offender
and Length of Prison Sentence

Sex and murder offenders, having lower recidivism rates yet longer sentences, confound the influence of months in prison on recidivism for all violent offenders combined. Therefore, Exhibit 29 presents separate results for assault, robbery, and sex offenders.[27]

Exhibit 29
Months in Prison For Types of Violent Offenders Released From Prison Between 1986 and 2000
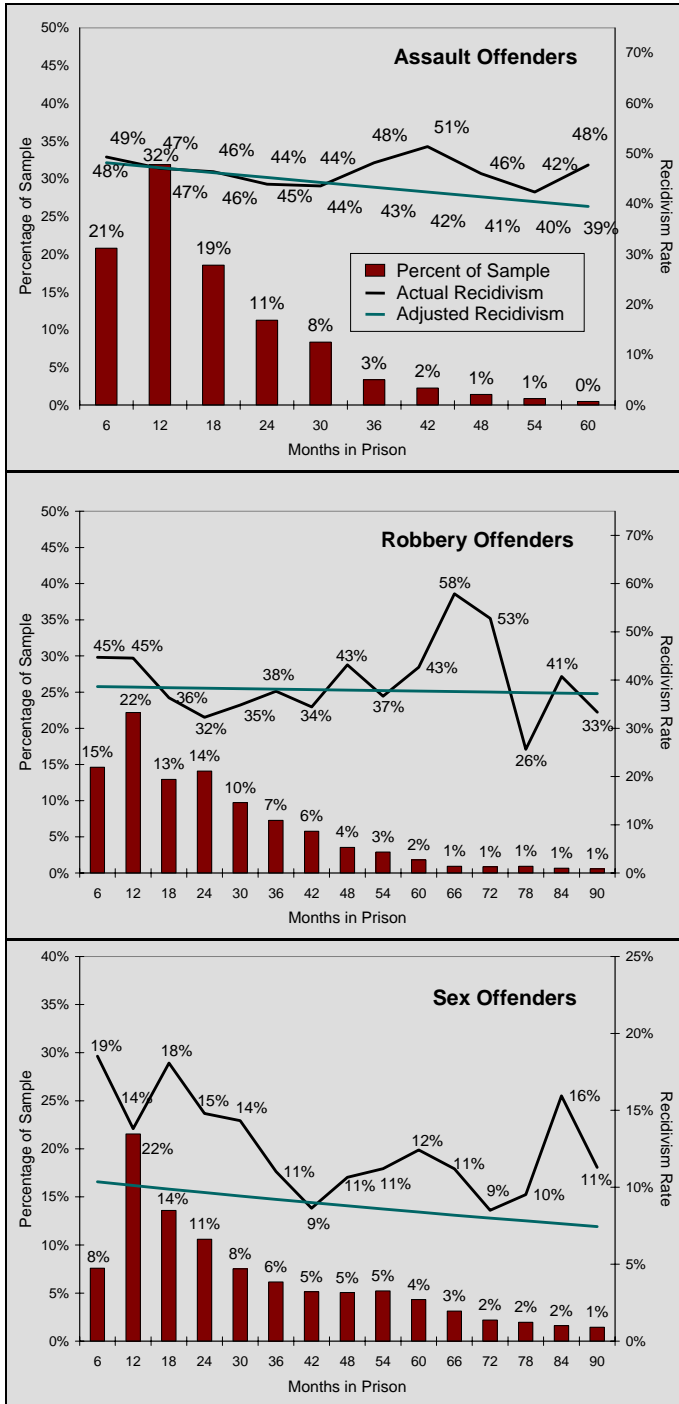
The length of incarceration has the largest reduction in felony recidivism for those imprisoned for assault and a negligible effect for those incarcerated for robbery and sex offenses.

Exhibit 30 summarizes the findings for impact of months spent in prison on felony recidivism. For drug and assault offenders, the estimated reduction in felony recidivism for each additional six months spent in prison is 2.3 and 1.9 percentage points, respectively. For property offenders the reduction is 1.0 percentage point.

For robbery and sex offenders, there is no statistically significant change in felony recidivism associated with longer prison sentences. Only the assault group has a statistically significant reduction in violent felony recidivism.

Two sub-categories of sex offenders were also separately examined.[28] For those convicted of sex offenses involving a minor, the reduction in felony recidivism is almost statistically significant ($p < .071$). For those convicted of sex offenses not involving minors, there is no statistically significant change in recidivism.

Exhibit 30
Estimated Percentage Point Change in Recidivism for Every Additional 6 Months in Prison[29]

OFFENDER GROUP	FELONY RECIDIVISM PERCENTAGE POINT CHANGE	VIOLENT FELONY RECIDIVISM PERCENTAGE POINT CHANGE
Drug	-2.3%**	0.0%
Property	-1.0%**	0.3%
Assault	-1.9%**	-0.8%*
Robbery	-0.1%	0.3%
Sex	-0.3%	-0.1%
Child Sex	-0.4%	-0.2%
Not Child Sex	0.0%	0.0%

* Statistically significant ($p < .05$).
** Statistically significant ($p < .01$).

---

[27] Recidivism analysis for murderers is not valid because of the small number of murder offenders.

[28] In the Institute's study of the LSI-R, offenders convicted of a sex offense involving a minor was a powerful predictor of recidivism; they have much lower felony recidivism rates.
[29] The percentage point change is the marginal rate computed using the parameter estimate for months in prison from the logistic regression evaluated at the recidivism for the offender group.

Time in Prison and Recidivism Conclusions:
We used three methods to estimate the impact of *imprisonment* on recidivism. Two of the three methods cannot be used to estimate the impact of *prison time* on recidivism. To do so would require forming comparison groups or matched samples for each length of time in prison; this would result in sample sizes that are too small for analysis. The only viable method, multivariate statistical analysis, is used to statistically control for systematic differences among offenders with varying sentence lengths.

These analyses find that spending more time in prison slightly reduces recidivism for drug, property, assault, and possibly child sex offenders, but not for robbery and non-child sex offenders.

Earned Release Time: Time in prison is determined by sentence length and early release time earned while imprisoned. Washington State statute determines the maximum amount of time an offender can earn for good behavior while imprisoned. This earned release time is a percentage of the minimum sentence.

Prior to 1990, earned release time was limited to no more than one-third of the total sentence. Beginning in 1990, the legislation was changed to limit earned release time to 15 percent of the sentence for serious violent and the most serious sex offenders. In 2003, the Legislature established a 10 percent limit for offenders with a serious violent or sex offense conviction and increased the limit for other offenders to 50 percent.

Multivariate logistic regression is again used to analyze the impact of earned release time on recidivism, statistically controlling for the variables that systematically vary with earned release time. Since earned release time is a percentage of the minimum court sentence, the minimum sentence rather than actual time imprisoned is included in the analysis to statistically control for sentence length.

Exhibit 31 summarizes the results of these analyses. Earned release time was significantly related to felony recidivism only for drug offenders. For every month of earned early release time, the drug offender felony recidivism rate is estimated to increase by 0.3 percent.
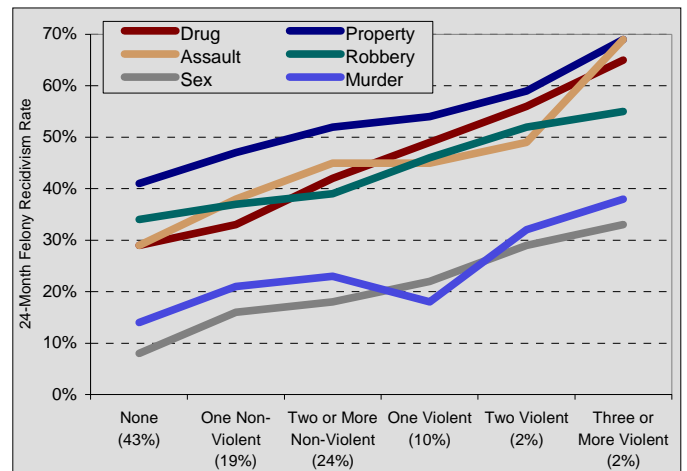
Exhibit 31
Statistical Significance of Earned Release Time and Minimum Prison Months

OFFENDER GROUP	EARNED RELEASE TIME PERCENTAGE POINT CHANGE
Drugs	0.3%*
Property	-0.1%
Assault	0.2%
Robbery	-0.2%
Sex	0.0%

* Statistically significant difference (p<.05).

Incarcerated offenders earn their early release time by not incurring prison infractions and by participating in prison programs while imprisoned. In Exhibit 32, we examine the association between infractions and recidivism. Clearly, offenders who do not commit infractions, 43 percent of this sample, are less likely to re-offend than those who do. Offenders who commit violent infractions are rare, 14 percent, but re-offend at higher rates. Infractions consistently have a statistically significant association with felony recidivism for all groups of offenders in the multivariate analyses of months in prison.

Exhibit 32
Association Between Prison Infractions and 24-Month Felony Recidivism for Offender Groups


Although Exhibit 32 illustrates that infractions are an indicator of future recidivism, infractions may be associated with an offender's risk level. That is, high-risk offenders may be the group of offenders who incur infractions. We now take advantage of the proposed risk level scheme described in Section I. Exhibit 33 shows that within each risk level, offenders who incurred infractions still had higher recidivism rates; thus, infractions increase the predictive power of the risk classification.
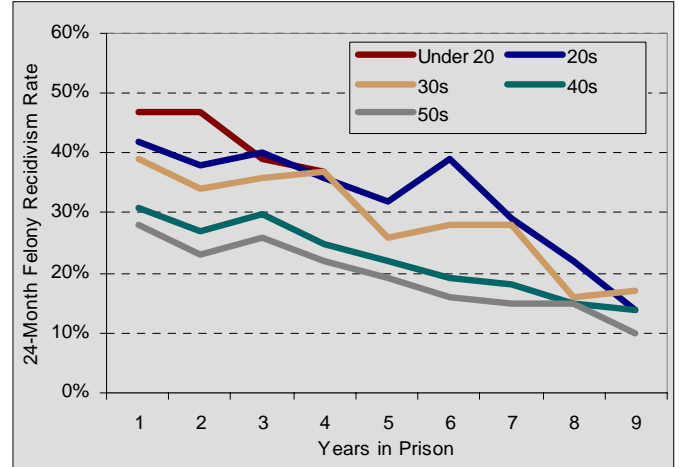
Exhibit 33
Association Between Prison Infractions and 24-Month Felony Recidivism for Risk Levels
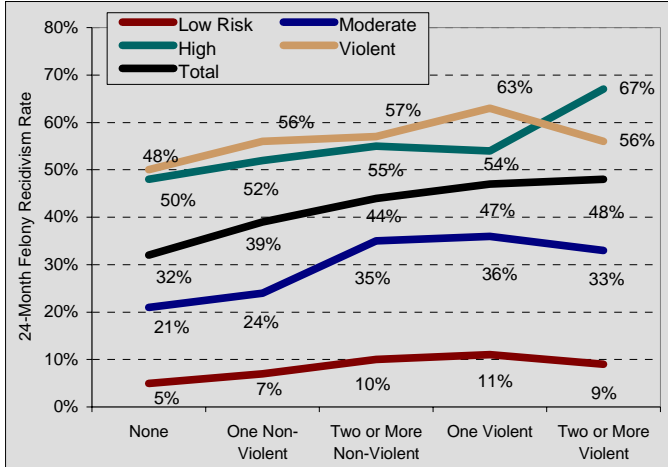
Exhibit 34
Association Between Age at Release From Prison, Years in Prison, and 24-Month Felony Recidivism*

* Those under 20 years old were imprisoned for no more than four years because none under 16 was imprisoned.

Earned Release Time and Recidivism

Conclusions: The amount of earned early release time is related to slightly increased recidivism rates only for drug offenders. Offenders who do not commit infractions are less likely to re-offend than those who do. An offender's good behavior in prison is related to decreased recidivism and can be a useful indicator for reducing prison time without endangering public safety.

Age: Before leaving the topic of time spent in prison and recidivism, another aspect to consider is how the age of an offender affects recidivism. The common notion is that if offenders can be kept in prison long enough, they will "age-out" of their criminal behavior.

Exhibit 34 shows how felony recidivism rates change with years imprisoned and age at release from prison. For example, offenders who were in their 50s when released from prison after serving one year have slightly less than a 30 percent recidivism rate, while those under 20 who served one year have a recidivism rate close to 50 percent. All age groups exhibit a decreasing recidivism rate with increased years in prison. Those offenders in their 40s and 50s at release have lower recidivism rates across the span of years in prison. Those in their 20s have the highest rates.

Because age at release can be correlated with length of time spent imprisoned, logistic regression is used to estimate the impact of age on recidivism, statistically controlling for months of imprisonment.

The findings for the impact of age on felony recidivism from the multivariate analyses are summarized in Exhibit 35.[30] The estimated reduction in felony recidivism rates for each five-year increase in age at release varies from 1.7 percentage points for robbers to 4.1 percentage points for those imprisoned for assault. Age at release consistently has a statistically significant association with felony recidivism for all the offender groups. Older offenders recidivate less often than younger offenders.

Exhibit 35
Estimated Percentage Point Change in Recidivism for Every 5 Years' Difference in Age at Release[31]

OFFENDER GROUP	FELONY RECIDIVISM	VIOLENT FELONY RECIDIVISM
Drug	-2.9%	-1.8%
Property	-3.2%	-2.1%
Assault	-4.1%	-3.0%
Robbery	-1.7%	-2.3%
Sex	-3.4%	-1.4%
Not Child Sex	-3.4%	-1.7%
Child Sex	-2.9%	-1.1%

Age differences are statistically significant at the .001 probability level for all offender categories.

---

[30] These are the same multivariate analyses for the time spent in prison which are summarized in Exhibit 30.
[31] The percentage point change is the marginal rate computed using the parameter estimate for age from the logistic regression evaluated at the recidivism rate for the entire offender group.

SECTION V: IDENTIFYING LOW-RISK OFFENDERS

The previous sections found that being sentenced to prison does not decrease felony recidivism and that longer time in prison slightly reduces felony recidivism. Two policy options to explore are whether some offenders might be kept out of prison and whether others might have slightly shorter periods of imprisonment, without increasing recidivism. This policy raises the question of which offenders are the best candidates for the options.

The safest policy would be to identify low-risk offenders who could be sentenced to community supervision rather prison, or if sentenced to prison, have a shortened length of stay. In addition, for those sentenced to prison, infraction information can supplement an early release decision.

We now take advantage of the proposed classification scheme described in Section I to identify low-risk offenders. The study sample consists of offenders who were sentenced from 2000 to 2003 and had an LSI-R completed.[32] In the proposed scheme, low risk means an 8 percent chance of felony recidivism, moderate risk a 24 percent chance, high felony risk a 49 percent, and high violent felony a 20 percent chance of recidivating with a violent offense.

Exhibit 36 displays the percentage of offenders in each risk level sentenced and not sentenced to prison. To illustrate, 31 percent of drug offenders not sentenced to prison are classified as low risk, 48 percent are moderate risk, 16 percent are high felony and 4 percent are high violent felony.

Offenders not sentenced to prison are predominantly low or moderate risk. Offenders sentenced to prison are mostly high felony or high violent felony risk. The one exception is sex offenders. Seven out of ten sex offenders in prison fall into the low-risk category. This finding may be surprising to some, as common understandings of sex offender recidivism are derived from the most high-profile cases where there is a long pattern of recidivism. In general, the risk profiles of drug and property offenders are similar to each other, as are the profiles of assault and robbery offenders.[33]

Exhibit 36
**Risk Level Classification Percentages
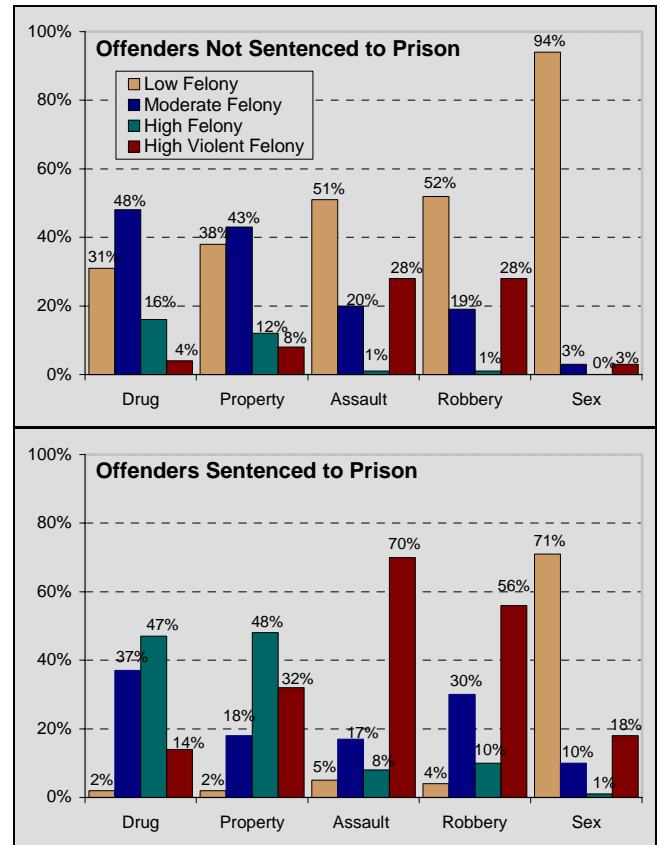Sentenced and Not Sentenced to Prison**

Exhibit 37 summarizes the percentage of low-risk offenders sentenced to prison for drug, property, and violent offenses. Only 2 percent of drug and property offenders sentenced to prison are classified as low risk. A greater percentage—18 percent—of violent offenders sentenced to prison are low risk.

Among the violent offenders sentenced to prison, sex offenders are mostly classified as low risk (71 percent), followed by robbery and assault offenders at 4 and 5 percent, respectively, and murderers at 21 percent.

Exhibit 37
**Percentage of Low-Risk Offenders
Sentenced to Prison**

OFFENDER GROUP	LOW-RISK OFFENDERS SENTENCED TO PRISON
Drug	2%
Property	2%
Violent	18%
Assault	5%
Robbery	4%
Sex	71%
Murder	21%

---

[32] An LSI-R was administered to 95 percent of the offenders in the study sample within 270 days of sentencing.
[33] Risk profile means the percentage distribution of low, moderate, high, and high violent risk offenders.

Exhibit 38 displays the percentage of offenders grouped by their minimum sentence in months. For example, 29 percent of drug offenders sentenced to prison have minimum sentences of 12 months or less, while 35 percent have sentences between 12 and 24 months. With the exception of sex offenders, and of course murderers, most prison sentences are 36 months or less.[34]

Exhibit 38
Percentage Distribution of Minimum Sentences

MINIMUM SENTENCE IN MONTHS	TOTAL	DRUG	PROPERTY	ASSAULT	ROBBERY	SEX
12	25%	29%	31%	24%	10%	7%
24	35%	35%	40%	38%	22%	22%
36	15%	16%	16%	15%	19%	9%
48	7%	8%	5%	7%	14%	5%
60	6%	5%	4%	7%	11%	11%
72	3%	3%	2%	2%	6%	7%
84	2%	2%	1%	2%	4%	4%
96	2%	1%	0%	2%	3%	6%
108	1%	0%	0%	1%	2%	3%
120	1%	0%	0%	1%	2%	6%
+120	4%	0%	0%	3%	7%	20%
Total	100%	100%	100%	100%	100%	100%

Exhibit 39 displays the percentage of offenders in the four risk levels grouped by minimum sentence months. The four risk level percentages add to 100 percent for a particular minimum sentence.

If a higher percentage of offenders with short minimum sentences were low risk, they might be diverted from prison without jeopardizing public safety. A cursory look at the five groups of offenders in the exhibit indicates there are few offenders with short minimum terms who are also low risk.
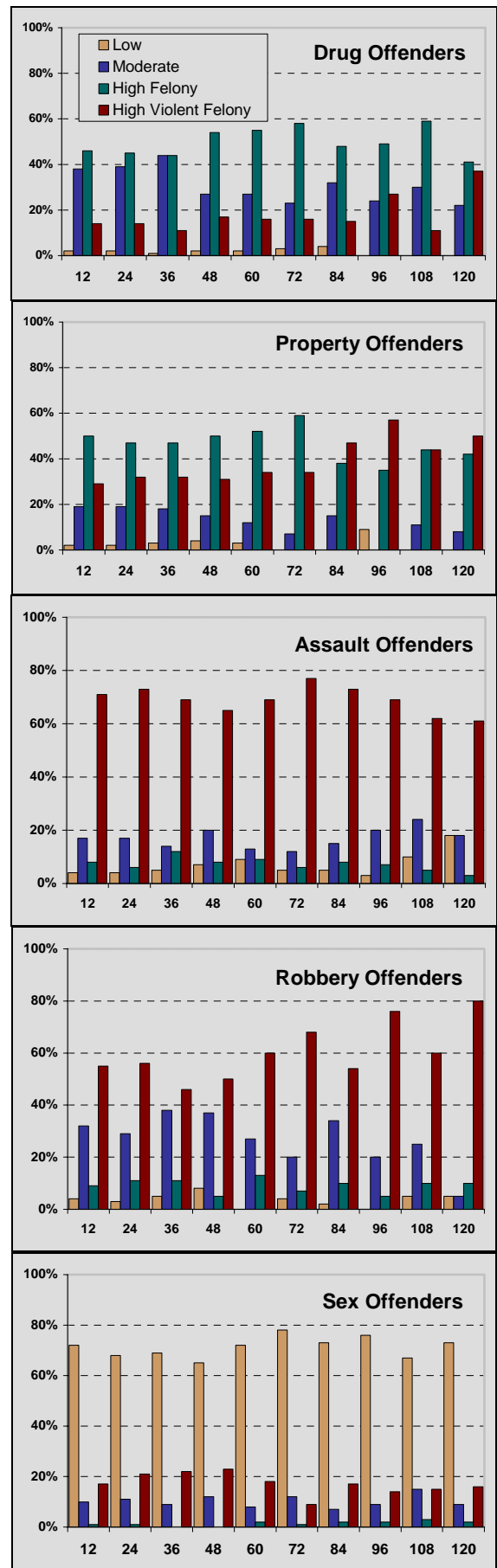
Nearly 40 percent of drug offenders and between 10 and 15 percent of property offenders with minimum sentences of up to 36 months are moderate risk. Less than 5 percent are low risk.

Assault offenders are predominately at high risk for violent recidivism. Between 10 and 15 percent of assault offenders, regardless of minimum sentences, are moderate risk. Less than 5 percent of assault offenders with sentences up to 36 months are low risk. Robbery offenders are similar to the assault offenders.

Approximately 70 percent of sex offenders are low risk. However, nearly 20 percent are at a high risk for violent re-offending.

[34] Those sentenced for murder have minimum sentences of at least 120 months.

Exhibit 39
Percentage of Risk Levels by Minimum Sentence

19

Exhibit 40 summarizes the percentage of low-risk offenders sentenced to prison for the five groups of offenders. With the exception of sex offenders, the percentage of low-risk offenders is very small. That is, there are no large groups of low-risk offenders with short sentences who might be diverted from prison.

Exhibit 40
Percentage of Offenders Classified as Low Risk Grouped by Months in Prison

MINIMUM SENTENCE IN MONTHS	DRUGS	PROPERTY	ASSAULT	ROBBERY	SEX
12	2%	2%	4%	4%	72%
24	2%	2%	4%	3%	68%
36	1%	3%	5%	5%	69%
48	2%	4%	7%	8%	65%
60	2%	3%	9%	0%	72%
72	3%	0%	5%	4%	78%
84	4%	0%	5%	2%	73%
96	0%	9%	3%	0%	76%
108	0%	0%	10%	5%	67%
120	0%	0%	18%	5%	73%

Low-Risk Offenders Conclusions: Washington State's sentencing structure already excludes most low-risk offenders from prison. Still, it may be cost-effective to divert more low-risk drug and property offenders from prison sentences. It may also be possible to establish alternatives to a prison sentence for certain low-risk violent offenders.

However, the impact of not imprisoning offenders on local jails must be considered if a jail, rather than prison sentence, is imposed.

SUMMARY OF FINDINGS

- Three methodologies were used to estimate the impact of going to prison on recidivism. Results consistently indicate that prison does not reduce recidivism and may increase it.

- The FTOW is an alternative to standard community supervision rather than to prison.

- The felony recidivism rate for those given a SSOSA is lower than for those sentenced to prison or to a non-prison sentence. Since 1986, the percentage of offenders sentenced to SSOSA has been decreasing.

- Multivariate statistical techniques which control for systematic differences between offenders with varying sentence lengths found that spending more time in prison slightly reduces recidivism for drug, property, assault, and possibly child sex offenders, but not robbery or non-child sex offenders.

- Offenders who do not commit infractions while in prison are less likely to re-offend than those who do. This can be a useful indicator for reducing prison time without decreasing public safety.

- Washington State's current sentencing structure excludes most low-risk offenders from imprisonment because the Offender Score represents criminal history, which is a potent predictor of recidivism. Still, it may be cost-effective to divert more low-risk drug and property offenders from prison sentences. It may also be possible to establish alternatives to a prison sentence for certain low-risk violent offenders.

- The impact of sending offenders to local jails must be considered if a jail, rather than prison, sentence is imposed.

Although every effort is made to reduce systematic differences among offenders with different sentences, there could be some unobserved variables that influence sentencing and recidivism. These variables, rather than the sentence itself, could influence the estimates for the impact of sentencing on recidivism.

Document No. 04-07-1201